

**THE  
Punjab Legislative Council  
Debates.**

**From 22nd to 26th July 1930.**

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**Vol. XVI.**

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**OFFICIAL REPORT.**



**Lahore :**

**Printed by the Superintendent, Government Printing Punjab.**

**1930.**

**PRINCIPAL OFFICERS OF THE PUNJAB LEGISLATIVE  
COUNCIL.**

*President :*

**The Honourable Chaudhri Sir Shahab-ud-Din, Kt., K. B.**

*Deputy President :*

**Khan Bahadur Sardar Habib Ullah.**

*Secretary :*

**Hakim Ahmad Shujaa, B.A.**

*Assistant Secretary :*

**Pandit Tej Kishen Kaul, B.A., LL.B., P.C.S.**

# PUNJAB LEGISLATIVE COUNCIL.

## LIST OF MEMBERS.

### *EX-OFFICIO MEMBERS AND MINISTERS.*

The Hon'ble Captain Sardar Sikandar Hyat Khan, K.B., M.B.E.  
Revenue Member to Government, Punjab.

The Hon'ble Sir Henry Craik, Bart, C.S.I., I.C.S., Finance Member,  
to Government, Punjab.

The Hon'ble Sardar Sir Jogendra Singh, Kt., Minister for Agriculture  
[ (Sikh), Landholders. ]

The Hon'ble Mr. Manohar Lal, M.A., Minister for Education (Punjab  
University).

The Hon'ble Malik Firoz Khan, Noon, Minister for Local Self-Govern-  
ment, [ Shahpur East (Muhammadan), Rural. ]

### I.—OFFICIALS NOMINATED.

Ashton, Mr. H. F., Chief Engineer, Public Works Department, Irriga-  
tion Branch.

Boyd, Mr. D. J., C.I.E., I.C.S., Chief Secretary to Government, Punjab.

Calvert, Mr. H., C.I.E., I.C.S., Financial Commissioner, Punjab.

Dorman, Mr. W. S., B.A., C.E., Offg. Chief Engineer and Secretary to  
Government, Punjab, Public Works Department (Buildings and Roads  
Branch).

Gill, Colonel, C. A., D.P.H., I.M.S., Inspector-General of Civil Hos-  
pitals, Punjab.

Mitchell, Mr. Alan, I.C.S., Offg. Secretary to Government, Punjab,  
Transferred Departments.

Muzaffar Khan, Khan Bahadur, Nawab, Director of Information  
Bureau, Punjab.

Ogilvie, Mr. C. M. G., C.B.E., I.C.S., Home Secretary to Government,  
Punjab:

Penny, Mr. J. D., I.C.S., Secretary to Government, Punjab, Finance  
Department.

Sale, Mr. S. L., I.C.S., Legal Remembrancer and Secretary to Govern-  
ment, Punjab, Legislative Department.

Sanderson, Mr. R., Director of Public Instruction, Punjab.

Townsend, Mr. C. A. H., C.I.E., I.C.S., Financial Commissioner, Punjab.

Wilson, Mr. W. B., I.C.S., Revenue Secretary to Government, Punjab.

## II.—NON-OFFICIALS NOMINATED.

Abdul Ghani, Khan Bahadur, Maulvi, Representative, General Interests.  
Dalpat Singh, Honorary Captain, Sardar Bahadur, I.O.M., M.V.O.,  
Representative of the Punjabi Officers and Soldiers of His Majesty's Indian  
Forces.

Ghani, Mr. M.A., Representative of Labouring Classes.

Maya Das, Mr. Ernest, B.A., Representative of Indian Christians.

Rattan Chand, Rai, Bahadur, Lala, O.B.E., Representative, General  
Interests.

Roberts, Mr. Owen, Representative of the European and Anglo-Indian  
Communities.

Shave, Dr. (Mrs.) M.C., Representative of the European and Anglo-  
Indian Communities.

Sheo Narayan Singh, Sardar Bahadur Sardar, C.I.E., Representative,  
General Interests.

## III.—ELECTED.

Abdul Ghani, Shaikh, West Punjab Towns (Muhammadan), Urban.

Ahmad Yar Khan, Daultana, Mian, Multan East (Muhammadan),  
Rural.

Akbar Ali, Pir, B.A., LL.B., Ferozepore (Muhammadan), Rural.

Ali Ahmad, Chaudhri, Gujranwala (Muhammadan), Rural.

Balbir Singh, Rao Bahadur, Captain, Rao, O.B.E., Gurgaon (Non-  
Muhammadan), Rural.

Baldev Singh, Chaudhri, B.A., B.T., North-West Rohtak (Non-  
Muhammadan), Rural.

Bishan Singh, Sardar, Sialkot-*cum*-Gurdaspur (Sikh), Rural.

Buta Singh, Sardar, B.A., LL.B., Multan Division and Sheikhupura  
(Sikh), Rural.

Chetan Anand, Lala, B.A., LL.B., West Punjab Towns (Non-  
Muhammadan), Urban.

Chhajju Ram, Chaudhri, C.I.E., Hissar (Non-Muhammadan), Rural.

Chhotu Ram, Rao Bahadur Chaudhri, B.A., LL.B., South-East, Rohtak  
(Non-Muhammadan), Rural.

Daulat Ram, Kalia, Rai Bahadur, Pandit, M.B.E., East and West Cen-  
tral Towns (Non-Muhammadan), Urban.

Dhanpat Rai, Rai Bahadur, Lala, Punjab Industries.

Din Muhammad, Mr., M.A., LL.B., East and West Central Towns  
(Muhammadan), Urban.

Duli Chand, Chaudhri, Karnal, (Non-Muhammadan), Rural.

Faiz Muhammad, Shaikh, B.A., LL.B., Dera Ghazi Khan (Muham-  
madan), Rural.



## III.—ELECTED—CONTINUED.

- Fateh Singh, Sardar Sahib, Sardar, Ferozepore (Sikh), Rural.
- Fazi Ali, Khan Bahadur, Chaudhri, M.B.E., O.B.E., Gujrat, East (Muhammadian), Urban.
- Firoz-ud-Din Khan, Rana, B.A., LL.B., South-East Towns (Muhammadian), Urban.
- Ganga Ram, Rai Bahadur, Lala, Ambala-*cum*-Simla (Non-Muhammadian), Rural.
- Gokul Chand, Narang, Dr. M.A., Ph. D., North-West Towns (Non-Muhammadian), Urban.
- Gopal Das, Lala, Lahore and Ferozepore-*cum*-Sheikhupura (Non-Muhammadian), Rural.
- Gray, Mr. V.F., Punjab Chamber of Commerce and Trades Association, Commerce.
- Habib Ullah, Khan Bahadur, Sardar, Lahore (Muhammadian), Rural.
- Harbakhsh Singh, Sardar, B.A., Hoshiarpur and Kangra (Sikh), Rural.
- Hari Singh, Sardar, Ambala Division (Sikh), Rural.
- Jawahar Singh, Sardar, Lahore (Sikh) Rural.
- Joti Pershad, Lala, South-East Towns (Non-Muhammadian), Urban.
- Kartar Singh, Bedi, Baba, Lyallpur (Sikh), Rural.
- Kesar Singh, Chaudhri, Amritsar-*cum*-Gurdaspur (Non-Muhammadian), Rural.
- Kesho Ram, Sekhri, Lala, B.A., LL.B., Amritsar City (Non-Muhammadian), Urban.
- Khan Muhammad Khan, Wagba, Malik, Sheikhupura (Muhammadian), Rural.
- Labh Singh, Mr., M.A., LL.B., (Cantab.), Rawalpindi Division and Lahore Division North (Non-Muhammadian), Rural.
- Maqbool Mahmood, Mir, B.A., B. Lit., Amritsar (Muhammadian), Rural.
- Mehr Chand, Pandit, B.A., Jullundur-*cum*-Ludhiana (Non-Muhammadian), Rural.
- Mohan Lal, Rai Bahadur Lala, B.A., LL.B. North-East Towns (Non-Muhammadian), Urban.
- Mohindar Singh, Sardar, Ludhiana (Sikh), Rural.
- Mubarik Ali Shah, Sayed, Jhang (Muhammadian) Rural.
- Muhammad Abdullah Khan, Khan, Muzaffargarh (Muhammadian) Rural.
- Muhammad Abdul Rahman Khan, Chaudhri, Jullundur (Muhammadian), Rural.

## III.—ELECTED—CONTINUED.

Muhammad Amin Khan, Khan Bahadur, Malik, O.B.E., Attock (Muhammadan), Rural.

Muhammad Hayat, Qurashi, Khan Bahadur, Mian, C.I.E., Shahpur West (Muhammadan) Rural.

Muhammad Husain, Sayad, Montgomery (Muhammadan), Rural.

Muhammad Iqbal, Dr., Sir, M.A., Ph.D., Lahore City (Muhammadan), Urban.

Muhammad Jamal Khan, Leghari, Khan Bahadur, Nawab Baloch Tumandars (Landholders).

Muhammad Raza Shab, Gilani, Makhdumzada Sayad, Multan, West (Muhammadan), Rural.

Muhammad Sadiq, Shaikh, Amritsar City (Muhammadan), Urban.

Muhammad Saif Ullah Khan, Khan Bahadur Khan, Mianwali (Muhammadan), Rural.

Mukand Lal, Puri, Lala, Lahore City (Non-Muhammadan), Urban.

Mushtaq Ahmed, Mian (Muhammadan), Landholders.

Nanak Chand, Pandit, M. A., Hoshiarpur (Non-Muhammadan), Rural.

Narain Singh, Sardar, B. A., LL.B., Rawalpindi Division and Gujranwala (Sikh), Rural.

Narendra Nath, Diwan Bahadur, Raja, M. A., Punjab Landholders (General).

Nur Khan, Khan Sahib, Risaldar, Bahadur, Rawalpindi (Muhammadan), Rural.

Nurallah, Mian, B. Com. (London), F. R. E. S. Lyallpur, South (Muhammadan), Rural.

Partap Singh, Sardar, Jullundur (Sikh), Rural.

Raghbir Singh, Honorary Lieut., Sardar, O. B. E., Amritsar (Sikh), Rural.

Rahim Bakhsb, Maulvi, Sir, K. C. I. E., Ambala Division, North-East (Muhammadan), Rural.

Ram Singh, Chaudhri, Kangra (Non-Muhammadan), Rural.

Sewak Ram, Bai Bahadur, Lala, Multan Division (Non-Muhammadan) Rural.

Shahadat Khan, Khan Sahib, Bai, Lyallpur North (Muhammadan), Rural.

Talib Mehdi Khan, Malik Nawab, Major, Jhelum (Muhammadan), Rural.

Ujjal Singh, Sardar Sahib Sardar, M. A. (Sikh), Urban.

Umar Hayat, Chaudhri, Gujrat West (Muhammadan) Rural.

Yasin Khan, Chaudhri, B.A., LL.B., Gurgaon-cum-Hissar (Muhammadan), Rural.

Zafrulla Khan, Chaudhri, B.A., LL.B., Sialkot (Muhammadan), Rural.

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## PUNJAB LEGISLATIVE COUNCIL.

5TH SESSION OF THE 3RD PUNJAB LEGISLATIVE COUNCIL.

*Tuesday, the 22nd July 1930.*

THE Council met at the Assembly Chamber, Simla, at 2 P.M. of the clock. Mr. President in the chair.

### OATH OF OFFICE.

The following members were sworn in :—

Townsend, Mr. C. A. H. (Official, nominated)

Boyd, Mr. D. J. (Official, nominated)

Mushtaq Ahmed, Mian (Muhammadan) (Landholders)

Jawahar Singh, Sardar (Lahore (Sikh) Rural).

### STARRED QUESTIONS AND ANSWERS.

SELECTION BOARD—PROVINCIAL CIVIL MEDICAL SERVICE.

**\*2863. Diwan Bahadur Raja Narendra Nath :** Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether a selection board was appointed to make recommendations for appointment to the Provincial Civil Medical Service ;
- (b) how many vacancies were to be filled up ;
- (c) the number of appointments made communitywise ;
- (d) whether he will be pleased to lay on the table of the House the correspondence which took place between him and myself, viz., my letter of 1st April 1930, Mr. Mitchell's reply, dated 14th April 1930 and my letter, dated 24th April 1930 ?

**The Honourable Malik Firoz Khan Noon :** (a) Yes.

(b) There were 8 vacancies and there were likely to be 8 more during the current year.

(c) As there was a prospect of 2 additional appointments falling vacant during the current year, 18 candidates out of the 25 recommended by the Selection Board were selected for appointment to vacancies as they occur. Of these, 4 were Hindus, 8 Sikhs and 11 Muslims and the names were arranged in a list according to age irrespective of community or other considerations and candidates were to be appointed in the order in which their names were on the list, this being the principle on which rules for superior provincial services have been drafted. A larger number of Muslim candidates was selected so as partially to redress the undue preponderance of the appointments held by the Hindu community. The percentages

[Hon. Malik Firoz Khan Noon.]

of the 3 main communities among Assistant Surgeons before the appointments under consideration were as follows :—

|                 | <i>Per cent.</i> |
|-----------------|------------------|
| Hindus .. .. .  | 54.8             |
| Muslims .. .. . | 22.9             |
| Sikhs .. .. .   | 18.6             |

The percentages after the new appointments are made will be as follows :—

|                 | <i>Per cent.</i> |
|-----------------|------------------|
| Hindus .. .. .  | 51               |
| Muslims .. .. . | 27½              |
| Sikhs .. .. .   | 18               |

(d) A copy of the correspondence is laid on the table.

[Copy of letter, dated Lahore, 1st April 1930, from Diwan Bahadur Raja NARENDRA NATH, Member, Legislative Council to the Hon'ble Minister for Local Self-Government.]

The terms of reference to the Board of Selection for Provincial Medical Service of which I am a member are that out of the applicants 25 persons have to be selected of whom 12 should be Muslims, 6 Hindus, 3 Sikhs and 2 others. I consider this communal classification to be incompatible with the avowed policy of Government which was fully explained by Sir Geoffrey deMontmorency on the 19th of July 1917 in the Legislative Council.

His Excellency the Viceroy also in one of his recent speeches has given expression to the same view, namely that merit should be the test for recruitment subject to the consideration that no class or community should be allowed to preponderate in any service.

In the Medical Service in which technical qualifications are essential communal considerations should not determine the selection beyond giving effect to the present policy that no class or community should be allowed to absorb all appointments. Amongst the applicants I find several whose posts were brought under reduction and who have therefore a prior claim to re-appointment regardless of all communal considerations.

I wish to know if in view of the above you are prepared to modify the terms of reference so as to allow selection being made on merit without allowing any class or community to absorb all appointments.

I should like to have an answer before the next meeting of the Selection Board.

[Copy of Demi-Official No. 13337-Medl., dated Lahore, the 14th April 1930, from the Secretary, Transferred Departments, to Diwan Bahadur Raja NARENDRA NATH, Member, Legislative Council.]

I am desired to thank you for your letter, dated the 1st of April 1930, to the Honourable Minister, in connection with the terms of reference of the Board of Selection appointed to select candidates for the Provincial Medical Service, and to say that Government have no desire to make any departure in the present case from the avowed policy of Government which, as you know, was fully explained in the speech of Sir Geoffrey deMontmorency as Finance Member in the Legislative Council on the 19th of July 1927. That speech laid down four general conditions of which the first and last apply directly to the present case. The first condition is that the supreme need of efficiency should always be kept in view. In this connection I am desired to invite your attention to the concluding paragraph of my letter No. 7072, dated the 27th of February 1930, to the Inspector-General of Civil Hospitals which is, I think, the letter you have in mind when referring in your letter to the terms of reference. That sentence runs as follows :—

"It is clear that in making selection for the Punjab Civil Medical Service medical qualifications are the most important consideration, but other things being equal the fact that a candidate is an agriculturist or that he has a good record of personal or family services may be taken into consideration."

I think you will be satisfied that in this connection Government have definitely laid down that merit is to be the first consideration. Government is also glad to learn from the Inspector-General of Civil Hospitals that in the selection of candidates you and other members of the

Board have selected the very ablest candidates out of all the communities and that no favouritism has been shown, thus it seems that the selection by the Board itself has proceeded on the lines which you have in your mind.

As regards the request of Government to the Selection Board that out of the 25 persons to be recommended 12 should be Muslims, 4 Hindus, 5 Sikhs, and 2 others, an impression appears to have been formed in your mind that Government have fixed these proportions for the actual appointments. As a matter of fact only 16 persons have to be appointed out of 25 to be recommended by the Board and the proportions of the various communities have not yet been fixed by Government, and when fixing these proportions Government will act in complete conformity with the announcement of Sir Geoffrey deMontmorency referred to in your letter. It may, however, interest you to know the strength of the various communities in the present provincial cadre of the P. C. M. S. A statement is attached herewith. You will notice that amongst the Assistant Surgeons at present the Muslims are 22.9 per cent., Hindus 54.3 per cent., Sikhs 18.6 per cent. and others 4.2 per cent. If you take into consideration the special posts and the Civil Surgeoncies these proportions are—

|         | Per cent. |
|---------|-----------|
| Muslims | 23.87     |
| Hindus  | 54.84     |
| Sikhs   | 17.42     |
| Others  | 3.87      |

In making the new appointments Government propose to be very careful to ensure that the selections made will not lead to the preponderance in the service of any class or community, and trust that you will be satisfied that your apprehension that one community is going to be allowed to absorb all the appointments is premature and without real foundation. Government have not yet finally fixed the proportion of the appointments to be allotted to each of the various communities, and trust that when the recommendations of the Board of which you are a member are received and the appointments are actually made, you will find that there is no ground for criticising the actions of Government in this matter, and that the appointments have been made in strict conformity with the fourth condition referred to in Sir Geoffrey deMontmorency's speech as Finance Member in July 1927, namely, that recruitment should be so conducted as to avoid any undue preponderance of one class in the public services to the exclusion of the reasonable claims of other classes of the community.

STATEMENT.

|  | Number of appointments. | PERCENTAGES. |         |        |         |          |         |        |         |
|--|-------------------------|--------------|---------|--------|---------|----------|---------|--------|---------|
|  |                         | Muslims.     | Hindus. | Sikhs. | Others. | Muslims. | Hindus. | Sikhs. | Others. |
| Special posts  | 6                       | 2            | 4       | ..     | ..      | 33.3     | 66.7    | ..     | ..      |
| Civil Surgeons   | 9                       | 3            | 5       | 1      | ..      | 33.3     | 55.6    | 11.1   | ..      |
| Assistant Surgeons   | 140                     | 32           | 76      | 26     | 6       | 22.9     | 54.3    | 18.6   | 4.2     |
| and the figures for all P.C. M. S. posts taken together work out at— | 155                     | 37           | 85      | 27     | 6       | 23.87    | 54.84   | 17.42  | 3.87    |

[ Copy of letter, dated Lahore, the 24th April 1930, from Diwan Bahadur Raja NARENDRA NARN, Member, Legislative Council, to the Hon'ble Minister for Local Self-Government, Punjab. ]

I AM in receipt of Mr. Mitchell's Demi-Official No. 13337-MedL, dated the 14th of April and I am glad to learn that in asking us to send the names of 12 Muslims, 6 Hindus, 5 Sikhs, and 2 others, you do not mean to indicate that the appointments are to be made in the same proportion.

[Hon. Malik Firoz Khan Noon.]

So far as the agriculturists and non-agriculturists are concerned you lay down the rule that other things equal an agriculturist is to be preferred. It is not clear from your letter whether the same principle is to be observed in selection of names of candidates belonging to different communities. The proportions which you have fixed for communities evidently conflict with the principle laid down for agriculturists and non-agriculturists.

Any reference to the proportions between communities in the existing cadre is in my opinion irrelevant, for the low proportion of any particular community must have been due to the fact (assuming that the authorities making the appointments were impartial in their selection) that sufficient number of efficient men were not forthcoming from that community. An attempt to bring the recruitment of different communities to proportions approximating to their numerical strength in the population must lead to that proportion being kept up in future recruitments. The maintenance of communal proportions therefore takes priority over considerations of merit, which is not the avowed policy. According to that policy, merit is the sole consideration subject to the condition that no community absorbs all appointments in recruitment.

In sending up the names of 12 Muslims, 6 Hindus, 5 Sikhs and 2 others we may be compelled to strike out several men from the Hindu and Sikh lists of much superior merit to those whom we select from the Muslim list. I will be in a position to send up a fuller note when the lists are finally made up.

#### SIKH REPRESENTATION IN PROVINCIAL CIVIL SERVICE.

\*2964. **Sardar Buta Singh**: Will the Chief Secretary be pleased to state—

- (a) the total number of listed posts in the Provincial Civil Service Executive Branch;
- (b) the number of posts in the selection grades of the same service;
- (c) whether there is any Sikh holding either a listed post or working in the selection grade?

**Mr. D. J. Boyd**: (a) 8.

(b) 7.

(c) No.

#### APPRENTICE ENGINEERS, HYDRO-ELECTRIC BRANCH.

\*2965. **Sardar Buta Singh**: Will the Honourable Minister for Agriculture be pleased to state—

- (a) the number of paid apprentice engineers in the Hydro-Electric Branch of the Public Works Department at present;
- (b) how many of the paid apprentice engineers are Sikhs;
- (c) what will be the designation, cadre, scale of pay and annual increment of these paid apprentices when they will be appointed as permanent assistant engineers and how long approximately will it take these people to secure those appointments?

**The Honourable Sardar Sir Jogendra Singh**: (a) Eleven.

(b) One.

(c) All appointments in the Hydro-Electric Branch are on a temporary basis while the scheme is under construction. The permanent organization for its subsequent working has not yet been sanctioned.

## AMAN PASAND JAMAAT, LUDHIANA.

**\*2966. Rai Bahadur Lala Mohan Lal :** Will the Chief Secretary be pleased to state—

- (a) whether there exists an Aman Pasand Jamaat in Ludhiana ;
- (b) if the reply to the above be in the affirmative, what are its objects ; how many Hindus, Muslims, Sikhs and Christians are its members ;
- (c) what work has the Aman Pasand Jamaat done in removing the friction prevailing between the different communities in the district ?

**Mr. D. J. Boyd :** (a) The answer is in the affirmative.

(b) The objects are—

- (i) the maintenance of the public peace ;
- (ii) the safeguarding of one's legal rights ;
- (iii) the creating of sympathy and good social relations among people ;
- (iv) the suppression of all activities likely to lead to a disturbance of the peace and to be against the interests of the country.

The Jamaat consists of 421 members, of whom 29 are Hindus, 31 are Sikhs and the rest are Muslims.

(c) Government have no information on the subject.

## AMAN PASAND JAMAAT, LUDHIANA.

**\*2967. Rai Bahadur Lala Mohan Lal :** Will the Chief Secretary be pleased to state—

- (a) whether it is a fact that the Aman Pasand Jamaat in Ludhiana called a meeting on the 22nd of April which was attended by the public ;
- (b) whether it is a fact that the police was either called or came itself in the meeting and beat the people ;
- (c) whether it is a fact that the Ludhiana Bar Association passed a resolution on 28rd April 1930 condemning the action of the police for using violence in the meeting ;
- (d) if the reply to the above be in the affirmative, will the Government be pleased to state the circumstances under which the police used force in dispersing the meeting ?

**Mr. D. J. Boyd :** (a) Yes.

(b) The Aman Sabha, in view of the threat of disorder announced at a Congress meeting on the previous day, appealed for police assistance and 2 head constables and 80 constables were present at the meeting along with a magistrate deputed by the Deputy Commissioner. In view of the presence of a large hostile crowd the meeting had to be postponed and the magistrate, after consulting the Deputy Commissioner, ordered the crowd, which was stoning the police, to disperse. On their failing to obey the order the police dispersed them by a baton charge.



[ Mr. D. J. Boyd. ]

(c) Yes.

(d) The incident is under adjudication by a court of law and no reply can be given until the case is decided.

PUNJAB HEALTH SCHOOL.

\*2968. Mr. E. Maya Das : Will the Honourable Minister for Local Self-Government be pleased to state—

(a) when was the Public Health School established ?

(b) what work has it done year by year since its establishment ?

(c) how many *dais* have been trained by the school ?

The Honourable Malik Firoz Khan Noon : (a) The school was first established by the Lady Chelmsford League in 1922, and taken over by Government as a provincial institution on the 1st April 1927.

(b) and (c) A statement is laid on the table.

*Work done by the Punjab Health School year by year since its establishment.*

(b) The following work has been done at the Punjab Health School.

Health Visitors were trained year by year as detailed in answer to Question No. 1733 (b).<sup>1</sup>

An Infant Welfare Centre was attached to the School in 1922 for practical training of the Health Visitors. The records for 1922—27 are not available, those from 1927—30 are detailed below :—

|   | 1927-28. | 1928-29. | 1929-30. |
|---|----------|----------|----------|
| Number of attendance at Infant Welfare Centre ..  | 1,939    | 2,937    | 4,722    |
| House to house visiting .. ..                     | 2,635    | 3,207    | 4,180    |
| <i>Anti-Natal work</i> —                          |          |          |          |
| Cases under observation .. ..                     | 326      | 368      | 628      |
| Cases sent to Hospital .. ..                      | 84       | 71       | 411      |
| Number of <i>dais</i> trained .. ..               | 19       | 19       | 30       |
| Number of labour cases attended .. ..             | 55       | 64       | 59       |
| Number of cases in which medical aid called .. .. | 3        | 9        | 6        |
| Number of vaccination of babies .. ..             | ..       | 407      | 350      |

The Principal, Punjab Health School being the Inspectress of Health Visitors and Health Centres is responsible for the posting of the trained Health Visitors. She also carries out inspection of the centres.

(c) 12.

LADY HEALTH VISITORS—GRANTS TO LOCAL BODIES.

\*2969. Mr. E. Maya Das : Will the Honourable Minister for Local Self-Government be pleased to state what grant has Government given year by year to local bodies towards the cost of employment of Lady Health Visitors ever since their first employment in the province ?

**The Honourable Malik Firoz Khan Noon :** Lady health visitors are employed sometimes by local bodies direct and sometimes by unofficial health associations or other organizations on which the local body is usually well represented. The grants made by Government to local bodies and Health Associations towards the cost of lady health visitors have been as follows :—

|  | Rs.    |
|--|--------|
| Granted in 1928-29 .. .. .             | 20,620 |
| Granted in 1929-30 .. .. .             | 22,487 |
| Provided in Budget for 1930-31 .. .. . | 15,000 |

Prior to the year 1928-29 Government for some years placed an annual grant of Rs. 15,000 per annum at the disposal of the Lady Chelmsford League which distributed the amount to the authorities maintaining the health centres.

#### INDIGENOUS *Dais*.

**\*2970. Mr. E. Maya Das :** Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether it has been brought to the notice of Government by official reports or otherwise that indigenous *Dais* if trained soon lapse into old ways unless their work is continuously supervised ;
- (b) if so, what action Government proposes to take to guard against it ?

**The Honourable Malik Firoz Khan Noon :** (a) It is not possible to say whether this specific point has ever been brought out in official reports of the Public Health Department, but these reports and representations received from private bodies and individuals, have frequently stressed the importance of establishing health centres to train and assist *dais* working the area surrounding such centres.

- (b) Government already provides funds for—
  - (i) the training and inspection of health visitors ; and
  - (ii) grants-in-aid to health centres. With this assistance from Government it is for municipal and private enterprise to extend the numbers and spheres of influence of such health centres and so provide increased supervision over the work of indigenous *dais*.

#### TRAINING OF *Dais*.

**\*2971. Mr. E. Maya Das :** Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether it is a fact that only a few women are prepared to receive training as *Dais* under the supervision of men and many actually refuse to do so ;
- (b) if so, what steps Government proposes to take to make suitable arrangements for their training in such cases ?

**The Honourable Malik Firoz Khan Noon :** (a) Government have no information.

(b) At present *Dais* are trained partly at the Punjab Health School under lady teachers, partly at health centres under lady health visitors are partly in female hospitals under lady doctors.

INDIGENOUS AND TRAINED *Dais*.

**\*2972. Mr. E. Maya Das :** Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether it is a fact that in the case of expectant mothers attended by indigenous *Dais*, the death rate is higher than in the case of those attended by trained *Dais* ;
- (b) if so, whether it is a fact that this result is directly attributable to the crude and harmful methods employed by those untrained *Dais* ;
- (c) whether Government maintain any record of the cases attended to by the trained and untrained *Dais* with the resultant condition of the patient, and if so, whether it would be laid on the table ?

**The Honourable Malik Firoz Khan Noon :** (a) No statistics are available regarding the mortality amongst expectant mothers attended by trained and untrained *Dais* respectively but an investigation made in Lahore some years ago showed that the rate of mortality both of mothers and infants was much lower amongst women attended by trained *Dais* working under the supervision of the staff of the Punjab Health School than the corresponding rates for Lahore city as a whole.

(b) In any sphere of life the methods employed by a trained worker must obviously be superior to those employed by an untrained worker.

(c) No.

TRAINED AND UNTRAINED *Dais*—INFANTILE MORTALITY.

**\*2973. Mr. E. Maya Das :** Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether it is a fact that among babies born whose mothers were attended by indigenous *Dais*, the death rate is higher than in the case of those attended by trained *Dais* ;
- (b) if so, whether Government maintains any statistics of such cases and whether these would be laid on the table ?

**The Honourable Malik Firoz Khan Noon :** (a) Attention is invited to the reply given to Council question No. 2972 (above).

(b) No.

## GOVERNMENT ZENANA INDUSTRIAL SCHOOL, LAHORE.

**\*2974. Rana Firoz-ud-din Khan :** Will the Honourable Minister for Education please state—

- (a) the number of students in the Government Zenana Industrial School, Lahore ;
- (b) whether it is a fact that the number of students has been rapidly increasing, and there is a demand for a suitable hostel for mufassil students ; if so, what steps has Government taken to meet that demand ;
- (c) what is the number of similar institutions in the province ;
- (d) what arrangements Government intends to make for the training of lady teachers to run these institutions ?

**The Honourable Mr. Manohar Lal :** (a) 186.

(b) Yes. The question of providing a hostel will receive consideration.

(c) Ten including eight aided or private institutions.

(d) A proposal for the establishment of a teacher's training class in Lahore has been approved, and will be introduced next year subject to the provision of funds.

#### PROVINCIAL POLICE SERVICE.

**\*2975. Sardar Harbakhsh Singh :** Will the Honourable Finance Member be pleased to state—

(a) how many appointments are held by the Sikhs in the Provincial Police Service ;

(b) what is the percentage fixed for the Sikh community in these appointments ;

(c) whether it is a fact that very few appointments in this service are held by the Jat Zamindar Sikhs ?

**The Honourable Sir Henry Craik :** (a) Eight, or a little over 13 per cent. of the total strength of the cadre.

(b) no percentage is fixed.

(c) four appointments are held by Jat Sikhs, which is a fair proportion, considering the representation of that class in the ranks of the force.

#### INDIAN POLICE SERVICE.

**\*2976. Sardar Harbakhsh Singh :** Will the Honourable Finance Member be pleased to state—

(a) whether it is a fact that out of the Jat Zamindars of the Punjab both Sikh and Muslim, there is a Jat Sikh who qualified himself in the Indian Police Service in the competitive examination of 1929 ;

(b) if so, whether the claims of such a person for an appointment in the provincial service at the next selection will be considered ?

**The Honourable Sir Henry Craik :** (a) The personal files of candidates, who are permitted to sit for the Indian Police Examination, are sent in original to the Government of India ; Government is therefore unable without enquiry to say whether one of those who qualified in 1929 was a Jat Sikh.

(b) The claims of candidates who sat for the Indian Police Examination are considered along with those of other candidates for the provincial service, provided that applications are received from them.

#### BOARDING HOUSE FOR INDUSTRIAL SCHOOL, PANIPAT.

**\*2977. Chaudhri Baldev Singh :** Will the Honourable Minister for Education kindly state—

(a) whether it is a fact that there is no boarding house attached to the newly started industrial school at Panipat ;

[ Chaudhri Baldev Singh. ]

- (b) whether it is a fact that the upper storey of the present school building can easily be converted into a boarding house for the school ;
- (c) whether it is a fact that Chaudhri Hari Singh, a vernacular teacher of the said school, offered to work as an honorary superintendent till the Government could find money for the boarding house ;
- (d) if so, whether Government is prepared to incur the other expenses of about Rs. 500 ?

**The Honourable Mr. Manohar Lal :** (a) Yes.

(b) No.

(c) Yes, but Government does not consider it desirable to accept the offer of his services to work as honorary superintendent.

(d) Does not arise.

EXTRA ASSISTANT COMMISSIONER'S—BOARD TO RECOMMEND DIRECT NOMINATIONS FOR POSTS OF.

**\*2978. Diwan Bahadur Raja Narendra Nath :** Will the Chief Secretary be pleased to state—

- (a) whether the Board appointed to recommend direct nominations to the post of Extra Assistant Commissioner under Register C is a permanent one ;
- (b) the appointments made this year communitywise on the Board's recommendation as also the appointments communitywise made this year from Registers A and B of Extra Assistant Commissioners ?

**Mr. D. J. Boyd :** (a) Yes.

(b) No appointments have yet been made on the recommendation of the Selection Board. If the honourable member wishes to know the number of candidates selected by the Governor in Council on Registers A, B, and C during the current year, the information is as follows :—

|                        | Muslims.   | Hindus. | Sikhs. | Christians. |
|------------------------|--|---------|--------|-------------|
| Register A.-I .. .. .  | 4  | 1       | 1      | ..          |
| Register A.-II .. .. . | 2  | 1       | 1      | ..          |
| Register B. .. .. .    | Candidates will be selected on the result of the competitive examination to be held in October 1930. |         |        |             |
| Register C. .. .. .    | 6  | 2       | 1      | ..          |

FOREIGN LIQUOR, LICENSE FOR SALE IN CINEMAS AND THEATRES.

**\*2979. Lala Mukand Lal Puri :** Will the Honourable Minister for Agriculture be pleased to state—

- (a) whether it is a fact that in consequence of representations made by persons interested in temperance it was decided in the year 1923-24 to discontinue the licenses for sale of foreign liquor at bars of cinemas and theatres throughout the province ?

- (b) whether it is a fact that the decision with regard to cinemas and theatres was subsequently modified so as to permit licences to be granted to those institutions on the recommendations of the local bodies within whose jurisdiction performances are given ;
- (c) whether this modified decision is still being carried out ;
- (d) whether it is a fact that the Lahore Municipal Committee by a resolution No. 17, dated 4th April 1925 resolved cancelling its previous resolution, dated 29th November 1924, regarding bar licences to Madan Theatre and that no bar licences should be granted for theatres or cinemas ;
- (e) whether it is a fact that in spite of the resolution of the Lahore Municipal Committee withdrawing its recommendations and refusing to recommend the grant of bar licence, the Government has not cancelled the licence ; if so, why ;
- (f) whether the attention of the Government was specifically drawn to this infringement of its declared policy, by the President of the Punjab Temperance Society, Lahore, by a letter, dated 10th March 1926 addressed to the Financial Commissioners, Punjab ;
- (g) whether it is a fact that no reply was sent to this letter ;
- (h) what action, if any, was taken on this representation ?

**The Honourable Sardar Sir Jogendra Singh :** (a) Yes.

(b) Yes.

(c) Yes.

(d) Government received no copy of such resolution.

(e) It appears that the Municipal Committee of Lahore, after having recommended the grant of the licences, wished to have them cancelled. It would be unreasonable to expect Government, after a license has just been issued, to cancel that license because a local body changes its mind.

(f) Yes.

(g) Yes. But a reply had already been given to a letter on the same subject to the President. The reply to the earlier letter appears to have been received after the second letter had issued.

(h) No action was taken on the second representation. It will, however, be seen that in the recently revised conditions for such licenses the sale of liquor to students and minors has been forbidden.

LIQUOR LICENCE, MAZDA RESTAURANT, LAHORE.

**\*2980. Lala Mukand Lal Puri :** Will the Honourable Minister for Agriculture be pleased to state—

- (a) whether Government is aware that the Lahore Municipal Committee by a resolution of April 1930 did not recommend the grant of a licence to Mazda restaurant on Macleod Road, Lahore ;

[L. Mukand Lal Puri.]

- (b) whether it is a fact that in spite of this resolution the Mazda restaurant is still selling liquor ;
- (c) whether the requirements of notification No. 93—(vide page 254 of Excise Manual, Volume I, 1925 Edition) complied with before granting a licence to Mazda restaurant for retail vend of liquor for consumption on the premises at Macleod Road ;
- (d) what steps were taken to ascertain the opinion of the residents and owners of the property in the neighbourhood and will the Government be pleased to give the names of the persons who were consulted ;
- (e) whether the opinion of the municipal committee was awaited before permitting the sale ; if not, what were the grounds for such urgency ;
- (f) whether it is a fact that the Mazda restaurant is close to the hostel of the Medical College ;
- (g) whether it is also a fact that the Principal of the Medical College protested in writing against the grant of this licence ;
- (h) if so, whether Government intend to reconsider their decision now ?

**The Honourable Sardar Sir Jogendra Singh :** (a) Yes.

(b) Yes.

(c) No. Since the change was only to new premises in the same locality, notice was originally only given to the residents of the neighbourhood and not to the Municipal Committee.

(d) (i) The proposal was proclaimed in the neighbourhood by beat of drum.

(ii) The Senior Superintendent of Police.

(e) No ; because the Committee did not reply within the prescribed period of ten weeks.

(f) The distance is about 220 yards.

(g) He only forwarded the representation of the Secretary of a Temperance Society, and asked that if the statements contained in the representation were correct, the restaurant should not be located near the hostel.

(h) Not till the period of the present license expires.

BEER SHOP IN HIRA MANDI, LAHORE.

\*2981. **Lala Mukand Lal Puri :** Will the Honourable Minister for Agriculture be pleased to state—

(a) on what grounds was a beer shop licensed in Hira Mandi near Fort Lahore ;

(b) whether it is a fact that one of the reasons was to serve the needs of British soldiers living in the Fort ;

- (c) whether it is a fact that a deputation consisting of Khan Bahadur Shaikh Amir Ali, retired District and Sessions Judge and others waited upon the Deputy Commissioner, Lahore, and again on the Honourable Minister for Agriculture and urged the removal of the beer shop from the present site in Hira Mandi ;
- (d) whether it is a fact that the place where the shop is situated is close to Dyal Singh High School and Minto Park ; is on the way to Gurdwara Guru Arjun Dev and Hindu cremation grounds ;
- (e) whether it is a fact that by the sale of plots in the Fort area, large and magnificent buildings have been put up and this shop is just opposite the residential area which has been newly built up and is now occupied by highly respectable citizens of Lahore, to whom the continuance of this shop is highly objectionable ;
- (f) if so, what steps Government intend to take in the matter ?

**The Honourable Sardar Sir Jogendra Singh :** (a) Because there was a demand for it.

(b) This is not apparent from the available records.

(c) On September 3rd 1926, a deputation waited on me. It is not clear from the record whether Khan Bahadur Shaikh Amir Ali was a member of the deputation. The removal of the Hira Mandi beer shop was requested.

(d) Yes.

(e) Yes, but I am not aware that the continuance of this shop is objectionable to the residents of the locality.

(f) I will make further enquiries.

**LIQUOR SHOP (DADABHOY SHOP) NEAR RAILWAY STATION, LAHORE.**

**\*2982. Lala Mukand Lal Puri :** Will the Honourable Minister for Agriculture be pleased to state—

- (a) when the license to open b-2 license (?) liquor shop (Dadabhoy shop) in the chawk of the railway station on Macleod Road, Lahore, was granted ;
- (b) what were the reasons for permitting the opening of this shop, when liquor could be had for purchase in six other places in this vicinity ;
- (c) whether it is a fact that the licence for this shop was originally granted to Mr. Craig Adams ;
- (d) what is the amount for which these rights have been transferred to Mr. Dadabhoy ;
- (e) whether it is a fact that the site selected for retail sale of liquor is close to the chawk of the railway station, Railway Technical School, Victoria Diamond Jubilee Hindu Technical Institute, Mosque of Australia Building, Mela Ram's tank and Mool Chand's temple ;



[ L. Mukand Lal Puri. ]

- (f) whether it is a fact that the Punjab Temperance Society, Lahore, sent a representation for the removal of this shop ;
- (g) whether it is a fact that a deputation consisting of Khan Bahadur Shaikh Amir Ali, retired District and Sessions Judge and others waited upon the Deputy Commissioner, Lahore, in February last and urged among other things the removal of B. Dadabhoj liquor shop on Macleod Road ;
- (h) whether it is a fact that another similar deputation waited upon the Honourable Minister for Agriculture who was pleased to ask for a written representation on that point ; whether it is a fact that a written representation was made in pursuance of this suggestion in April last ;
- (i) whether any action was taken on this representation, and if so, what ?

**The Honourable Sardar Sir Jogendra Singh :** The required information has been called for from the local officers and a reply will be communicated to the honourable member when ready.

HAPPENINGS IN GANDHI MANDAP, JULLUNDUR, UNOFFICIAL ENQUIRY COMMITTEE.

**\*2983. Pandit Mehar Chand :** Will the Honourable Finance Member be pleased to state—

- (a) whether it is a fact that an unofficial Enquiry Committee was appointed on 6th May by the Citizens of Jullundur to enquire into the happenings of 5th May in Gandhi Mandap, Jullundur ;
- (b) if so, whether Government has received a copy of the report from the President of the Enquiry Committee ;
- (c) whether and if so what action the Government proposes to take against the police officials concerned as a result of the findings of the Committee ;
- (d) what action the Government proposes to take to prevent the repetition of these untoward and unpleasant events in the future ?

**The Honourable Sir Henry Craik :** (a) and (b) The Government has received a copy of a report which purports to be that of an unofficial enquiry committee appointed by the citizens of Jullundur on 6th May to enquire into the happenings at Gandhi Mandap at Jullundur on 5th May. The report was received from the President of the Committee.

(c) Enquiry into the facts has been made by the Deputy Commissioner and the Commissioner. The meeting of the 5th had actually concluded and the Chairman, Raizada Hans Raj, was congratulating the police on the considerate manner in which they had discharged their duties when some bricks were thrown at the police. The Sub-Inspector appealed to the Chairman to stop the brick-throwing, which he endeavoured to do, but without success. Eleven policemen were injured and it became necessary

to disperse the crowd by force. The Government are satisfied that the police did not use more force than was necessary and do not propose to take any action against the police officials concerned.

(d) If the organizers of such meetings will ensure orderly conduct on the part of those attending the meetings, forcible dispersals will not be necessary.

**Rai Bahadur Lala Mohan Lal :** Has the Government got the written statement attributed to Raizada Hans Raj as alleged by the honourable member ?

**The Honourable Sir Henry Craik :** I made no allegation about a written statement.

**Rai Bahadur Lala Mohan Lal :** The honourable member referred to a statement of Raizada Hans Raj. Has the Government got that statement in writing, because it is contrary to the statement made before the committee by Raizada Hans Raj ?

**The Honourable Sir Henry Craik :** I do not think we have got it. But, if the honourable member will give notice of the question, I will enquire.

**Dr. Gokul Chand Narang :** Has the honourable member seen the report of the committee of which Rai Bahadur Lala Mohan Lal was the Chairman ? Does the Government propose to issue any contradiction to that report ?

**The Honourable Sir Henry Craik :** No.

**Lala Mukand Lal Puri :** Is the Government in a position to contradict it ?

**The Honourable Sir Henry Craik :** Yes.

**Dr. Gokul Chand Narang :** Then, why not do so ?

**The Honourable Sir Henry Craik :** I have done so in my answer.

**Dr. Gokul Chand Narang :** By means of a public report in reply to that report or by a *communiqué* ?

**The Honourable Sir Henry Craik :** I do not think that is necessary

POLITICAL MOVEMENT—ARRESTS IN JULLUNDUR AND LUDHIANA DISTRICTS.

\*2984. **Pandit Mehar Chand :** Will the Honourable Finance Member be pleased to state the number of arrests made in Jullundur and Ludhiana districts in connection with the present non-violent political movement ?

**The Honourable Sir Henry Craik :**

|                   |         |
|-------------------|---------|
| Jullundur .. .. . | 172 and |
| Ludhiana .. .. .  | 180     |

Government does not accept the honourable member's description of the movement in these two districts as non-violent.

## POLICE ACTION AT POWER HOUSE, AMRITSAR.

**\*2985. Lala Kesho Ram Sekhri :** Will the Honourable the Finance Member be pleased to state—

- (a) whether it is a fact that on the 9th June the consumers attended the Power House, Amritsar in great numbers to pay up their bills for electricity ;
- (b) whether it is a fact that three policemen were requisitioned to meet the rush and about 40 policemen went to the Power House ;
- (c) whether the police gave any beating to the consumers ;
- (d) if the answer to part (c) is in the affirmative, what was the justification on the part of the police for this action ;
- (e) whether it is a fact that the Municipal Committee, Amritsar, passed a resolution condemning the action of the police and urging that the police officers concerned may be properly punished ;
- (f) if so, what action Government proposes to take in the matter ?

**The Honourable Sir Henry Craik :** (a) Yes.

(b) Three constables were originally requisitioned. The crowd which numbered 500 or 600 persons having forced their way into the municipal electrical department's office had begun to break the furniture and windows. The three constables being unable to control the crowd, further reinforcements were sent for successively and in all about 50 constables were employed.

(c) and (d). In spite of the arrival of these reinforcements, the crowd continued to be rowdy and to destroy property. They were ordered by the City Deputy Superintendent of Police to leave the premises but refused to do so and were dispersed by force.

(e) Yes ; a resolution to this effect was carried by a majority of 11 votes to 9 on the 19th of June. On the 20th of June the committee passed a resolution sympathising with those who received injuries, whether public or police. At a subsequent meeting on the 25th of June, it was decided after a prolonged discussion that no enquiry should be made.

(f) Government has no present intention of taking any action in the matter. It is understood that a complaint by a private individual against a head constable and 2 constables has been lodged in the court of a magistrate.

## CLASSIFICATION AND PRIVILEGES OF PRISONERS.

**\*2986. Lala Keshoram Sekhri :** Will the Honourable the Finance Member be pleased to state—

- (a) the classifications of convicted and undertrial prisoners and privileges of each class :
- (b) whether it is a fact that A, B and C class prisoners are entitled to sleep in the open from April to October while as a matter of fact these prisoners are locked in their cells from 7-30 P.M. to 5-15 A.M. ;

- (c) whether any separate sanitary arrangements are made for these three classes of prisoners ;
- (d) whether it is a fact that A, B and C class prisoners use the same latrines as are used by ordinary prisoners, and there is no privacy while answering the call of nature.
- (e) whether it is a fact that all the jails are not provided with the amenities sanctioned for A, B and C class prisoners and those when confined in some of them get no such privileges ?

**The Honourable Sir Henry Craik :** (a) There are two classes for under-trials, viz :—" Better class " and " Ordinary." As regards convicted prisoners, there are three classes, viz., class ' A,' ' B ' and ' C.' Those under-trials who are classed as " better class " and those convicted prisoners who are classified " A " or " B " are allowed the privileges enumerated in the two circular letters of the Inspector-General of Prisons, Punjab, dated the 22nd and 28th April 1930, copies of which are laid on the table.

(b) The rules do not extend the privilege of sleeping outside to any class of prisoners. But in practice both " A " and " B " class prisoners are allowed to sleep outside, provided the Superintendent can make adequate arrangements for safe custody and discipline.

(c) As far as it has been possible to do so separate sanitary arrangements have been made.

(d) The majority of " A " and " B " class prisoners are confined in the Gujrat Special Jail where every convenience in this respect has been provided for.

(e) No.

[Copy of letter No. 534-C-46 Pr., dated the 22nd April 1930, from the Inspector-General of Prisons, Punjab, to all Superintendents of Jails in the Punjab.]

**SUBJECT :—Classes A and B Prisoners.**

With reference to the new Class A and B prisoners, I have the honour to give below sanctions upto date regarding the classification and treatment of these prisoners :—

**I.—CLASSIFICATION.**

**Class A.**—Prisoners will be eligible for this class if—

- (1) they are non-habitual prisoners of good character ;
- (2) they by social status, education and habit of life have been accustomed to a superior mode of living ; and
- (3) they have not been convicted of—
  - (a) offences involving elements of cruelty, moral degradation or personal greed.
  - (b) serious or premeditated violence ;
  - (c) Serious offences against property ;
  - (d) offences relating to the possession of explosives, fire-arms and other dangerous weapons with the object of committing an offence or of enabling an offence to be committed ;
  - (e) abetment or incitement of offences falling within these sub-clauses.

This Class A will take the place of the existing Special Class.

**Class B.**—Prisoners will be eligible for this class who by social status, education or habit of life have been accustomed to a superior mode of living. Habitual prisoners will not be excluded automatically ; the classifying authority will be allowed discretion to suggest their inclusion in this class on grounds of character and antecedents, subject to confirmation or revocation by the Local Government.

[Hon. Sir Henry Craik.]

*Class C.*—Will consist of prisoners who are not classified in Classes A and B.

*Classifying authority* will be the High Court, Sessions Judges, District Magistrates, Sub-Divisional Magistrates and Magistrates 1st Class (the two latter through the District Magistrate) in cases tried by them originally. In cases tried by a Magistrate of 2nd or 3rd Class the District Magistrate should make the initial recommendation for classification in Class A or B to the Local Government.

#### II.—SPECIAL JAIL FOR A AND B CLASS PRISONERS.

A Special Jail at Gujrat has been opened for the confinement for A and B Class prisoners accustomed to the Eastern mode of life. Superintendents of Jails will transfer to this Special Jail only those A and B Class prisoners whose classification has been confirmed by the Local Government. Those so classified both European and Indian who are accustomed to Western mode of living (e.g., old "European" class) will, for the present, continue to be sent to Lahore Central Jail.

#### III.—DIET.

A Class prisoners will be given the following diet, which is the dietary for the New Class B (Eastern mode of living) :—

The diet laid down for ordinary prisoners (labouring and non-labouring), with the following alterations and additions :—

Ghee, 1½ Chataks, daily *in lieu* of Mustard Oil.

Gur, 1 Chatak daily *in lieu* of the Gur issued in present dietary and as Pecule.

Potatoes, 2 Chataks.

Milk or Dhai, 4 Chataks.

NOTE.—For meat eaters the above diet will be issued, except that on 5 days of the week.

Four Chataks mutton (costing approximately 2 annas 6 pies) will be given in lieu of milk.

On the other two days milk will be given.

It is estimated that the cost of the above dietary will amount, per head, to—

7 annas 5 pies daily for non-meat-eaters.

9 annas 3 pies daily for meat-eaters.

A Class prisoners are permitted to supplement the prison diet at their own expense.

#### IV.—CLOTHING.

A Class prisoners are permitted to wear their own clothing. If they desire clothes at Government expense they will be provided with that prescribed for B Class prisoners.

B Class prisoners—(Eastern mode of living) will be provided with the following :—

*During all Seasons.*

2 Dhoties (for night use).

2 Fuggrees (light garha cloth) or 2" sealed pattern caps.

1 pair—Country shoes or boots.

2 Bed sheets (Dasuti).

1 Mattress (Dasuti) "Tulai."

2 Pillow cases (Dasuti).

(to be filled with cotton cuttings or grass).

2 Towels.

1 Parna (Dasuti) 5 feet long.

*During Summer.*

2 Kurtas, Dasuti long (full sleeves).

2 Pyjamas (Dasuti) or Dhotis (Light cloth).

*During winter.*

2 Woollen coats (with stand-up collar and full sleeves).

2 Woollen pyjamas.

2 Flannel shirts.

2 Cotton Jangias (Drawers)

2 Pairs woollen Socks.

All cotton materials, and also woollen cloth for over-coats will be made by Jails.

V.—FURNITURE AND UTENSILS ALL SEASONS (EASTERN MODE OF LIVING).

- 1 Tha li.
- 2 Kauls (metal cups).
- 1 Tumbler (metal).
- 1 Spoon.
- 1 Lota.
- 1 Takht Posh 6½—3½ feet or iron bedstead.

(NOTE.—At Gujrat, the new cement berths, covered by a razai, will be used.)

- 1 Wooden stool.
- 1 Wooden teapoy.
- 1 Hurricane lantern where no electric light.
- 1 Shelf or Cup-board or Box.

VI. A and B Class prisoners, if educated, may be given lights upto 10 P.M.

VII.—A Class prisoners may be allowed the *Civil and Military Gazette* at their own expense.

A and B Class prisoners may—

- (a) use the Jail library ;
- (b) have their own books, subject to censorship.

One copy of *Civil and Military Gazette* and of weekly *Paisa Akhbar* will, for the present, be supplied at Government expense to Gujrat Special Jail for the use of prisoners.

[Copy of letter No. 572-C—46, Pr., dated the 28th April 1930, from the Inspector-General of Prisons, Punjab, to all Superintendents of Jails in the Punjab.]

SUBJECT :—*Classes A and B Prisoners.*

In continuation of this office general letter No. 534-C., dated 22nd April 1930, I have the honour to state that the following orders have been approved by Government in regard to the treatment of A and B Class prisoners :—

(1) LETTERS AND INTERVIEWS.

*A class prisoners* may write and receive one letter and have one interview a fortnight instead of once a month as at present.

*B class prisoners* may write and receive one letter and have an interview once a month.

Publication of matters discussed at interviews or of the substance of letter received from prisoners will entail the withdrawal or curtailment of the privilege.

(ii) The weekly *Chronicle* and weekly *Paisa Akhbar* may be allowed to classes A and B (subject to censorship by Jail Superintendent) until the Weekly News Jail paper is properly established.

(iii) TRANSFERS OF A AND B CLASS CONVICTS AND UNDER-TRIAL PRISONERS.

Normally third class railway accommodation should be provided but, where suitable 3rd class carriages with proper arrangements are not available, inter-class accommodation should be allowed. In any case A and B class prisoners should be allowed to travel by a higher class than 3rd class at their own expense. In this case they will also be required to pay the difference in fares of their escorts.

(iv) DIET FOR A AND B CLASS CONVICTS AND UNDER-TRIAL PRISONERS ON TRANSFER.

They should be allowed diet approximately of the same type and not exceeding the cost recently sanctioned in this office general letter No. 3376-G.I., dated 8th April 1930 and 534-C., dated 22nd April 1930.

A and B Class convicts and under-trial prisoners should when on transfer be taken by a motor lorry to and from stations. Handcuffs should only be used if they are necessary. (This is a matter for the police to decide).

(v) TREATMENT OF BETTER CLASS UNDER-TRIAL PRISONERS' ACCOMMODATION.

The orders conveyed in this office general letter No. 358-C., dated 21st March 1930, should be complied with. Cellular accommodation where available should be given. Separate sanitary accommodation should be provided where possible.

[Hon. Sir Henry Craik.]

*Diet.*—The diet given to B class convicted prisoners should be given, with a right to supplement it at their own expense.

*Clothing.*—Under the existing rules under-trial prisoners are allowed to wear their own clothing. Where such prisoners are inadequately clad or are unable to obtain clothing from outside, suitable clothing, which should not be prison clothing, should be provided by the jail.

INTERMEDIATE CLASSES, GOVERNMENT COLLEGE, LAHORE.

\*2987. Mr. Din Muhammad: Will the Honourable Minister for Education please state—

- (a) how many students joined the Government College, Lahore, in the First Year Class in 1928 ;  
 (b) how many of these students belonged to the first division ;  
 (c) how many students were sent up for the Intermediate examination of the Punjab University in 1930 for both Arts and Science (Medical and non-Medical) ;  
 (d) how many have been declared successful and in what divisions ?

The Honourable Mr. Manohar Lai : (a) 164.

(b) 88 ;

(c) 169 made up as follows :—

Arts—70.

Science (Medical and non-Medical)—99

(d) 89 as detailed below :—

| 1st Division. | 2nd Division.                             | 3rd Division. | Total. |
|---------------|---|---------------|--------|
|               | <i>Arts.</i>                              |               |        |
| 6             | 22  | 15            | 43     |
|               | <i>Science (Medical and non-Medical).</i> |               |        |
| 2             | 22  | 22            | 46     |
|               |   | Total ..      | 89     |

COMPLAINT AGAINST ASSISTANT SURGEON, AMRITSAR.

\*2988. Mr. Din Muhammad: Will the Honourable Minister for Local Self-Government please state—

- (a) whether his attention has been drawn to the issue of 'The Inquilab,' Lahore, dated the 4th July 1930, containing a complaint against the Assistant Surgeon, Civil Dispensary, Amritsar ;  
 (b) whether it is a fact that the said Assistant Surgeon was asked to examine a child who had fallen from a window of a two-storied building on the metalled street below ;

- (c) whether it is a fact that he refused to come out of his house until he had a wash and a change, and did not come out for an hour and a half, when the child was taken back and shown to some other doctor ;
- (d) if the above allegations are true, what action does the Government propose to take against the said doctor for such a gross dereliction of duty ?

**The Honourable Malik Firoz Khan Noon :** (a) Not until the receipt of the honourable member's question.

(b) (c) (d). The report of the local officers is awaited, and it is regretted that no reply can be given at present. The reply will be forwarded to the honourable member in due course.

ILLITERACY, DISQUALIFICATION FOR MEMBERSHIP OF MUNICIPAL COMMITTEE.

**\*2989. Chaudhri Baldeo Singh :** Will the Honourable Minister for Local Self-Government kindly state—

- (a) whether it is a fact that illiterate persons are not eligible for membership in a municipal committee in the Punjab ;
- (b) does this condition also apply to the case of a nominated member ?

**The Honourable Malik Firoz Khan Noon :** (a) Yes.

(b) The selection of nominated members of municipal committees is not governed by any rules.

BHAKRA DAM AND HAVELI PROJECTS.

**\*2990. Chaudhri Baldeo Singh :** Will the Honourable Revenue Member kindly state—

- (a) whether it is a fact that no action has so far been taken to submit the Bhakra Dam Project for the sanction of the Government of India and the Secretary of State ;
- (b) whether the work of the preparation of the Haveli Project is nearing completion ;
- (c) if the answer to (b) be in the affirmative, when is the Government going to take in hand the work of the preparation of the Bhakra Dam Project ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** (a) The Bhakra Dam Project has not been submitted to the Secretary of State because it is not yet ready.

(b) No.

(c) Does not arise.

**Rai Bahadur Lala Sewak Ram :** I want to ask whether the Government could give any reply as to when this project would be ready.



**The Honourable Captain Sardar Sikandar Hyat Khan :** It is expected that the report of the two engineers, the Superintending Engineers of the Punjab Government and of the Bombay Government, will be submitted to Government some time in October next.

**Dr. Gokul Chand Narang :** May I know when these engineers were appointed ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** Last autumn.

PROVINCIAL POLICE SERVICE.

**\*2991. Sardar Buta Singh :** Will the Honourable Finance Member be pleased to state—

- (a) how many appointments in the provincial police service are held by Jat Sikhs ;
- (b) what is the proportion meant to be reserved for the Sikhs ;
- (c) how many appointments to this service Government is going to make this year ?

**The Honourable Sir Henry Craik :** (a) Four.

(b) No proportion is reserved for Sikhs or any other community.

(c) It is not known at present whether any appointment will be made this year or not.

AMAN PASAND JAMAAT OF LUDHIANA.

**\*2992. Rai Bahadur Lala Mohan Lal :** Will the Chief Secretary be pleased to state whether it is a fact that the members of the Aman Pasand Jamaat of Ludhiana are those who were responsible for calling troops in Ludhiana in 1919 in spite of the fact that the Deputy Commissioner was not in favour of this action ?

**Mr. D. J. Boyd :** The Government have no information.

UNSTARRED QUESTIONS AND ANSWERS.

RECOGNITION OF THE NORTH-WESTERN RAILWAY UNION.

**1714. Mr. M. A. Ghani :** Will the Honourable the Finance Member be pleased to state—

- (a) whether it is a fact that Mr. Evans, the Deputy Inspector-General of Police, Punjab, called on Mr. M. A. Khan, General Secretary of the General Worker's Union, North-Western Railway, Lahore ;
- (b) if so, whether it is a fact that Mr. Evans told Mr. M. A. Khan, that if he would remove Dr. Satyapal from the Presidentship of the Union, it would be recognised by the North-Western Railway authorities ;
- (c) the reasons for (a) and (b) ?

**The Honourable Sir Henry Craik :** It is regretted that the answer to this question is not ready. It will be communicated to the honourable member when ready.

ALLAH RAKHA, A CLERK OF THE SIMLA DIVISION OF THE PUNJAB FOREST DEPARTMENT.

**1715. Mr. M. A. Ghani :** Will the Chief [Secretary be pleased to state—

- (a) whether it is a fact that the Inspector -General of Civil Hospitals, Punjab, expressed his willingness to have one Allah Rakha, a dismissed clerk of the Simla Division of the Punjab Forest Department, re-examined by the Medical Board if the Forest Department had no objection ;
- (b) if so, whether it is a fact that the Chief Conservator of the Punjab Forests did object to the re-examination of the said Allah Rakha by the Medical Board ;
- (c) reasons for the objection of the said Chief Conservator ?

**Mr. D. J. Boyd :** It is regretted that the answer to this question is not ready. It will be communicated to the honourable member when ready.

GENTRY AND OTHER GRANTS IN COLONY BAR.

**1716. Pandit Nanak Chand :** Will the Honourable Member for Revenue be pleased to state—

- (a) the names of persons to whom the grants of land (headed Gentry and other Grants) have been made on reduced payments in the Colony Bar in 1929 and 1930 ;
- (b) the conditions on which the grants have been made ;
- (c) if possible, in each case the service for which the grants have been made ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** (a) (i) 74 persons were selected for landed gentry grants ; and

(ii) 417 persons were selected for reward grants in the year 1930 : None were selected in 1929 : It would involve considerable labour to give their names ;

(b) (i) The statement of conditions applying to (a) (i) and (a) (ii) are the same and were published in the *Punjab Gazette* of 2nd June 1930.

(c) Generally speaking for service to the public, or the administration, in different branches, both in the reserved and transferred sides.

TRADE COMMISSIONERS IN FOREIGN COUNTRIES.

**1717. Rai Bahadur Lala Mohan Lal :** Will the Honourable Revenue Member please state—

- (a) whether the Trade Commissioners appointed by the Government of India in foreign countries include any elected or nominated persons from this province ; if so, how many ;

[B. B. Lala Mohan Lal]

- (b) if the reply to the above be in the negative, why no person from this province was found fit to discharge the duties of a Trade Commissioner in foreign countries, and what are the special qualifications required in a Trade Commissioner?

**The Honourable Captain Sardar Sikandar Hyat Khan :** (a) It is understood that no Trade Commissioners have yet been appointed by the Government of India.

- (b) Does not arise.

GLASS INDUSTRY IN THE PUNJAB.

**1718. Rai Bahadur Lala Mohan Lal :** Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that in Sir Michael O'Dwyer's regime a grant of Rs. 5,000 was sanctioned by the Government in the shape of subsidy to some glass factory in this province ;  
 (b) whether it is a fact that this grant was not paid subsequently ;  
 (c) whether Government have at present under consideration any proposal to grant subsidy to the glass factories in this province by way of encouragement ?

**The Honourable Mr. Manohar Lal :** (a) No.

- (b) Does not arise.

(c) No.

GLASS FACTORIES IN THE PUNJAB.

**1719. Rai Bahadur Lala Mohan Lal :** Will the Honourable Minister for Education be pleased to state whether Government have under consideration any proposal to grant loans under the Industrial Loans Act to certain selected glass factories in the province ?

**The Honourable Mr. Manohar Lal :** No, as no application has been received for such help.

TERMINAL TAX AND OCTROI DUTY AT AMBALA CITY AND CANTONMENT.

**1720. Rai Bahadur Lala Mohan Lal :** Will the Honourable Minister for Local Self-Government be pleased to state :—

- (a) whether it is a fact that in the city of Ambala terminal tax has to be paid on commodities such as cotton, wheat, etc., when they leave the city and octroi duty is again levied on same when they enter the Cantonment area ;  
 (b) whether it is a fact that this double taxation is proving a hindrance to the free and healthy development of trade in that locality ;  
 (c) if so, what action Government intend to take in the matter ?

**The Honourable Malik Firoz Khan Noon :** (a) Terminal tax is levied on certain articles when they are exported from Ambala Municipality and octroi is leviable on some of them if they are imported into Ambala Cantonment and are not taken to the flour mills, which are treated as "bonded warehouses" for the purposes of the rules regulating the collection of octroi. In the case of articles which merely pass through the limits of the municipality or cantonment, "transit passes" are provided under which no tax is leviable.

(b) Government have no reason to believe that such is the case.

(c) Does not arise. It is understood, however, that the cantonment authorities are contemplating the substitution of a terminal tax similar to that in force in Ambala city, and when taxation in both areas is on similar lines, it is presumed that no difficulty on the lines of that apprehended by the honourable member will be likely to exist.

#### TRANSIT PASS OVER MUNICIPAL ROADS IN AMBALA.

**1721. Rai Bahadur Lala Mohan Lal :** Will the Honourable Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that free transit pass is allowed on commodities passing over the municipal roads of Ambala City while it is not allowed while those commodities pass through the Ambala City Railway Station which is included in the municipal area ;

(b) if the reply to the above be in the affirmative, what action Government intend to take in the matter ?

**The Honourable Malik Firoz Khan Noon :** Government regret that the exact meaning of the honourable member's question is not understood. If the honourable member will kindly make the question more explicit Government will be glad to have enquiries made.

#### PROVINCIALISATION OF MUNICIPAL HEALTH OFFICERS.

**1722. Sardar Sahib Sardar Ujjal Singh :** Will the Honourable Minister for Local Self Government please state—

(a) whether it is a fact that the service of Municipal Health Officers has been provincialised in the United Provinces, Madras Presidency and some other provinces of India ;

(b) whether it is a fact that the Director of Public Health, Punjab, submitted proposals for provincialising the service of the Municipal Health Officers in this province ;

(c) if so, will he be pleased to state the stage at which this question now stands, and the approximate time when a decision by the Government is expected on the subject ?

**The Honourable Malik Firoz Khan Noon :** (a) Government understand that the service of Municipal Health Officers has been provincialized in Madras and the United Provinces but have so far no information about any other province.

[ Hon. Malik Firoz Khan Noon. ]

(b) Yes.

(c) The question is being examined and will be laid before the Standing Committees of the Legislative Council for Public Health and Local Self-Government as soon as possible. It depends on the advice that will be given by the Standing Committees whether the matter will be investigated further and the opinion of municipal committees invited.

HEAD-MISTRESS, MACCHIWARA GIRLS' SCHOOL, LUDHIANA.

**1723. Rai Bahadur Lala Sewak Ram :** Will the Honourable Minister for Education be pleased to state—

- (i) whether the attention of Government has been drawn to the fact that the Head Mistress of the Macchiwara (Ludhiana district) Girls School is untrained ;
- (ii) whether Government is aware of the representation of the town people, dated 30th July, 1929, 18th September 1929 and 8th January, 1930, presented to the Deputy Commissioner, Ludhiana, to put some efficient and trained Head-Mistress in charge of the school ;
- (iii) whether Government is also aware of the reply given by the Assistant Inspectress in her letter, dated 9th December 1929 referring to the transfer of Mussamat Parsini Devi ;
- (iv) if so, whether Government intend to take any action in the matter ?

**The Honourable Mr. Manohar Lal :** The Head-Mistress of the school is one Jamna Devi who possesses a S. V. certificate.

**1724.** [Cancelled].

**1725.** [Cancelled].

EXTRA ASSISTANT COMMISSIONER CANDIDATES.

**1726. Sardar Buta Singh :** Will the Chief Secretary be pleased to state—

- (a) how many candidates for Extra Assistant Commissionership were accepted on Register C in May 1929 ;
- (b) how many among them were (i) Hindus, (ii) Muhammadans, (iii) Sikhs ;
- (c) what are the names of the Sikh candidates, if any ?

**Mr. D. J. Boyd :** (a) 7.

|                |    |    |    |    |     |
|----------------|----|----|----|----|-----|
| (b) Hindus ..  | .. | .. | .. | .. | 2   |
| Muhammadans .. | .. | .. | .. | .. | 5   |
| Sikhs ..       | .. | .. | .. | .. | Nil |

(c) Does not arise.

## EXTRA ASSISTANT COMMISSIONER CANDIDATES.

**1727. Sardar Buta Singh :** Will the Honourable Revenue Member be pleased to state—

- (a) the total number of candidates for Extra Assistant Commissionership borne on the Financial Commissioner's register ;
- (b) whether it is a fact that three vacancies are allotted to the Sikhs as against six for Christians ;
- (c) if so, what is the reason for giving such a large number of vacancies to Christians ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** (a) No register of Extra Assistant Commissioner candidates is maintained by the Financial Commissioner.

- (b) Does not arise.
- (c) Does not arise.

## COMMUNAL CLASSIFICATION OF EXTRA ASSISTANT COMMISSIONERS.

**1728. Sardar Buta Singh :** Will the Chief Secretary be pleased to state—

- (a) the total number of Extra Assistant Commissioners in the Punjab including temporary, additional, officiating and probationer Extra Assistant Commissioners ;
- (b) how many are Sikhs and what are their names ;
- (c) are Bhai Sampuran Singh and Munshi Kundan Singh included among the Sikhs or Hindus ;
- (d) how are the following Extra Assistant Commissioners classified in the matter of their community :—
  - (i) Mian Lal Singh.
  - (ii) Chaudhri Surat Singh.
  - (iii) Chaudhri Jai Narain Singh.
  - (iv) Lala Bishambar Dial Singh.
  - (v) Chaudhri Partap Singh.
  - (vi) Rai Sahib Raghbir Singh.
  - (vii) Kanwar Shiv Singh.
  - (viii) Thakar Kehar Singh.
  - (ix) Chaudhri Kanwal Singh.
  - (x) Mian Bashesar Singh.
  - (xi) Chaudhri Baldev Singh.
  - (xii) Mian Jagdish Singh.
  - (xiii) Chaudhri Balbir Singh.
  - (xiv) Mian Rattan Singh.

**Mr. D. J. Boyd :** (a) 292 including Extra Assistant Commissioners on Foreign Service and deputation.

(b) 48. It is not the practice of Government to supply names.

(c) Sikhs.

(d) All Hindus.

#### GOVERNMENT HIGH SCHOOLS FOR GIRLS—PLAYGROUNDS.

**1729. Mr. E. M. Maya Das :** Will the Honourable Minister for Education be pleased to state—

(a) what Government High Schools for Girls have got suitable playgrounds attached to schools ?

(b) the approximate area of each playground may be stated.

**The Honourable Mr. Manohar Lal :** A statement giving the required information is laid on the table.

*Statement showing the names of Government High Schools for Girls and the area of playgrounds attached to each institution.*

| No. | Name of Schools.                              | Approximate area of playground attached to the school. | REMARKS.  |
|-----|---|--|---|
|     |   | Acres.   |   |
| 1   | Victoria High School for Girls, Lahore ..     | ½  | This school is located in the heart of the city where it is difficult to provide spacious playgrounds.                    |
| 2   | Lady MacLagan High School for Girls, Lahore   | 4  |   |
| 3   | Government High School for Girls, Sialkot.    | 5  |   |
| 4   | Government High School for Girls, Rawalpindi. | 4  |   |
| 5   | Government High School for Girls, Lyallpur.   | 5  |   |
| 6   | Government High School for Girls, Ambala.     | 6  |   |
| 7   | Government High School for Girls, Hoshiarpur. | ..   | The school is located in rented buildings. The new buildings which are nearing completion have about 8 acres playgrounds. |

GOVERNMENT HIGH SCHOOLS FOR GIRLS, OUT-DOOR GAMES.

1730. **Mr. E. Maya Das :** Will the Honourable Minister for Education be pleased to state—

- (a) what out-door games are played in Government High Schools for Girls ;
- (b) have any out-door sports tournaments been organised for Government High Schools for Girls, if not, why not ?

**The Honourable Mr. Manohar Lal :** (a) Net ball, badminton, basket ball, round games and running games. Little children play with balls, e.g., rounders, skip, and have kindergarten games.

(b) Inter-school tournaments are held by the Y. W. C. A. Teams from Lahore schools of all types join. Government girls schools from places like Multan, Lyallpur, etc., send in teams. Besides this there is a cup for basket ball for inter school tournaments separate from the Y. W. C. A. awards. The outgoing S. V. girls for the last 2 years have presented cups, so there are now 2 cups for Normal schools tournaments. There is also a tiny challenge cup for (Lower Primary children) tug-of-war, etc.

PUNJAB HEALTH SCHOOL.

1731. **Mr. E. Maya Das :** Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) what has been the expenditure of the Punjab Health School year by year since it was opened ?
- (b) what is the staff of the school ?
- (c) How many members of the staff are doing outside work in addition to what they are doing in the Health School ?

**The Honourable Malik Firoz Khan Noon :** (a)—

|         |    |    |    | Rs.    |
|---------|----|----|----|--------|
| 1927-28 | .. | .. | .. | 23,380 |
| 1928-29 | .. | .. | .. | 26,000 |
| 1929-30 | .. | .. | .. | 26,700 |

(b) One Principal of the School and Inspectress of Health Centres—

One Assistant Inspectress.

One Assistant Superintendent.

(c) Both the Principal and the Assistant Inspectress have inspecting duties outside the school.

LADY HEALTH VISITORS.

1732. **Mr. E. Maya Das :** Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) how many Lady Health Visitors are there in the province ?
- (b) Where are they working ?
- (c) Who supervises their work ?



## The Honourable Malik Firoz Khan, Noon : (a) 48.

| <i>Name of district.</i> | <i>Name of place.</i> | <i>Number of Lady Health Visitors working at the place specified in column 2.</i> |
|--------------------------|-----------------------|---|
| (b) Gurgaon              | Gurgaon town          | 1   |
|                          | Gurgaon village       | 1   |
|                          | Rewari                | 2   |
| Amritsar                 | Palwal                | 1   |
|                          | Amritsar City         | 2   |
| Ferozepore               | Raja Sansi            | 1   |
|                          | Ferozepore City       | 1   |
| Jullundur                | Ferozepore district   | 1   |
|                          | Moga                  | 1   |
|                          | Mamdot Estate         | 1   |
| Lahore                   | Alawalpur             | 1   |
| Gujrat                   | Punjab Health School  | 3   |
|                          | Mozang                | 2   |
| Sialkot                  | Gujrat                | 1   |
|                          | Kharian               | 1   |
|                          | Pindi Bahauddin       | 1   |
| Montgomery               | Daska                 | 1   |
|                          | Sialkot City          | 2   |
| Multan                   | Montgomery            | 1   |
|                          | Coleyana Estate       | 1   |
| Karnal                   | Multan City           | 1   |
|                          | Durana Lagana         | 1   |
| Gujranwala               | Karnal                | 1   |
| Ludhiana                 | Gujranwala            | 1   |
| Rohtak                   | Ludhiana              | 2   |
| Gurdaspur                | Rohtak                | 1   |
| Rawalpindi               | Gurdaspur             | 1   |
| Ambala                   | Rawalpindi            | 1   |
|                          | Ambala City           | 1   |
| Muzaffargarh             | Kharrar               | 1   |
|                          | Muzaffargarh          | 1   |
| Attock                   | Campbellpore          | 1   |
|                          | Hazro                 | 1   |
|                          | Saman                 | 1   |
| Simla                    | Simla                 | 2   |
| Not in service           |                       | 3   |
| On leave                 |                       | 1   |
| Railways                 |                       | 1   |

(c) The Inspectress of Health Visitors and Health Centres and also the Secretary of the body employing the Health Visitors. Such committee may be either a municipal or other local body or an unofficial health association. The Secretary of the employing body is frequently the District Medical Officer of Health or the Municipal Medical Officer of Health.

## LADY HEALTH VISITORS' TRAINING.

**1733. Mr. E. Maya Das :** Will the Honourable Minister for Local Self-Government be pleased to state—

- When was the training of Lady Health Visitors commenced ?
- How many have been trained year by year since the training was started ?
- What has been the cost of work year by year of training Lady Health Visitors ?

**The Honourable Malik Firoz Khan Noon :** (a) 1922-29.

| (b) Year. |    |    |    |    | Number trained. |
|-----------|----|----|----|----|-----------------|
| 1923      | .. | .. | .. | .. | 2               |
| 1924      | .. | .. | .. | .. | 4               |
| 1925      | .. | .. | .. | .. | 5               |
| 1926      | .. | .. | .. | .. | 8               |
| 1927-28   | .. | .. | .. | .. | 8               |
| 1928-29   | .. | .. | .. | .. | 8               |
| 1929-30   | .. | .. | .. | .. | 7               |
| 1930-31   | .. | .. | .. | .. | 9               |

(c) Prior to the 1st April 1927 the work of training Lady Health Visitors and inspecting Health Centres was performed by the Lady Chelmsford League and grants were paid by Government to that body. As the Punjab Health since 1927 and the Lady Chelmsford League before that date combined the functions of training Health Visitors and inspecting centres no figures can be given for training separately. The cost to Government firstly of grants to the Lady Chelmsford League and subsequently of direct expenditure on the Health School both for training and inspection has been as follows :—

|         |    |    |    |    | Rs.    |
|---------|----|----|----|----|--------|
| 1922    | .. | .. | .. | .. | 17,017 |
| 1923    | .. | .. | .. | .. | 18,300 |
| 1924    | .. | .. | .. | .. | 19,791 |
| 1925    | .. | .. | .. | .. | 17,258 |
| 1926-27 | .. | .. | .. | .. | 17,272 |
| 1927-28 | .. | .. | .. | .. | 23,380 |
| 1928-29 | .. | .. | .. | .. | 26,000 |
| 1929-30 | .. | .. | .. | .. | 26,700 |
| 1930-31 | .. | .. | .. | .. | 29,100 |

## LOCAL BODIES AND LADY HEALTH VISITORS.

**1734. Mr. E. Maya Das :** Will the Honourable Minister for Local Self-Government be pleased to state—

- how many local bodies in the province employ Lady Health Visitors ?
- how many of them pay the entire cost of maintaining their Lady Health Visitors ?

**The Honourable Malik Firoz Khan Noon :** (a) 9.

(b) 2.

## BOAT NEAR THE JUNCTION OF THE SUTLEJ AND THE BEAS.

1735. Mr. E. Maya Das : Will the Honourable Revenue Member be pleased to state—

- (a) how far from the village of Harrike is the junction of the rivers Sutlej and Beas ;
- (b) whether it is a fact that near the junction of the rivers, somewhat above the junction and in the River Beas a boat has been plying for a long time ;
- (c) if so, to whom does this boat belong ;
- (d) under what authority it is plying ;
- (e) since when it is plying ;
- (f) whether the points between which the boat plies are in British territory ?

The Honourable Captain Sardar Sikandar Hyat Khan : (a). About half a mile.

- (b) Yes.
- (c) The landowners of Marrar village in the Kapurthala State.
- (d) Under the orders of the State authorities.
- (e) Since 1929.
- (f) No.

## HARNAM SINGH, TUNDA, OF KOTLA NANBAD SINGH, HOSHIARPUR DISTRICT.

1736. Rana Firoz-ud-Din Khan : Will the Honourable the Finance Member please state—

- (a) the period for which Harnam Singh, Tunda, of Kotla Nanbad Singh, Hoshiarpur District, a convict in the first Lahore Conspiracy case whose original sentence of death was commuted subsequently to transportation for life, was in the Andaman Islands ;
- (b) the period for which he has been imprisoned in various jails in British India ;
- (c) when he was brought to Punjab ;
- (d) when he was transferred to Ambala Jail and for what reason ; whether it was on account of bad health ;
- (e) what was his weight originally and what is his weight now ;
- (f) how much remission he has earned under the jail rules according to his history sheet ;
- (g) when his release is due ;
- (h) the names of the convicts in the first Lahore Conspiracy Case who have been released with reasons for their release ;
- (i) if it is a fact that the date of his release as given in his sheet was 22nd January, 1930, if so, why he has not been released ;
- (j) whether it is a fact that his health is still bad ?

**The Honourable Sir Henry Craik :** The information asked for by the honourable member is being collected and will be supplied to him as soon as it is ready.

ASSISTANT SURGEON AT BHERA.

**1737. Mr. Din Muhammad :** Will the Honourable Minister for Local Self-Government please state—

- (a) whether it is a fact that the present Assistant Surgeon posted at Bhera has been there for the last 3 years or more ;
- (b) whether it is a fact that a large section of the population of Bhera has been dissatisfied with him, and has submitted various memorials and representations against him ;
- (c) if so, what action has been taken by the Government on these representations ?

**The Honourable Malik Firoz Khan Noon :** (a) The Assistant Surgeon has not yet completed three years at Bhera.

(b) and (c) Government is not aware that a large section of the population of Bhera is dissatisfied with the Assistant Surgeon. A representation from certain inhabitants of Bhera in which allegations have been made against the Assistant Surgeon was, however, received by Government last month and has been referred to the Inspector-General of Civil Hospitals for enquiry and report.

SCHOLARSHIPS AWARDED TO GIRLS STUDENTS IN THE LADY HARDINGE MEDICAL COLLEGE, DELHI.

**1738. Mr. Din Muhammad :** Will the Honourable Minister for Local Self-Government please state—

- (a) whether it is a fact that some scholarships are awarded by the Punjab Government annually to those girl students from Punjab who study in the Lady Hardinge Medical College, Delhi ; if so, how many they are and of what value ;
- (b) whether it is a fact that none of these scholarships has so far been awarded to any Hindu or Muslim student from the Punjab ; if not, the names of the recipients belonging to either of the two communities during the last 5 years be mentioned ?

**The Honourable Malik Firoz Khan Noon :** (a) No.

(b) Does not arise.

NORMAL PRODUCE OF KANGRA DISTRICT.

**1739. Chaudhri Ram Singh :** Will the Honourable Member for Revenue be pleased to state—

- (a) whether it is a fact that no estimate of the normal produce of the Kangra district has been prepared after the settlement of 1868 ;

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- (b) whether it is a fact that some people have been making representations to Government praying that a new estimate of the normal produce of the Kangra district be prepared ;
- (c) if so, what action is proposed to be taken in the matter.

**The Honourable Captain Sardar Sikandar Hyat Khan :** (a) Estimates of the normal produce of Kangra district were prepared in 1892, 1899 and in the last settlement, which was concluded in 1919.

(b) No.

(c) Does not arise.

BRIDGE OVER RIVER BAN GANGA.

**1740. Chaudhri Ram Singh :** Will the Honourable Minister for Agriculture be pleased to state—

- (a) whether it is a fact that a small river known as Ban Ganga is flowing near Guler, a railway station on the Kangra Valley Railway ;
- (b) whether it is a fact that this river has got to be crossed before one can reach Siripur and that this stands in the way of the commercial development of the said town ;
- (c) whether it is also a fact that during the rainy season Siripur is entirely cut off from the railway line and that many lives are lost in the Ban Ganga ;
- (d) whether it is a fact that the people of Siripur have requested the Government to construct a bridge on the Ban Ganga ;
- (e) if so, what action is proposed to be taken in the matter ?

**The Honourable Sardar Sir Jogendra Singh :** I cannot say till I hear from the local authorities who have been requested to supply the necessary information.

BRIDGE OVER GHAGGAR.

**1741. Rai Bahadur Lala Ganga Ram :** Will the Honourable Minister for Agriculture be pleased to state—

- (i) whether the Government is aware that motorists to and from Simla experience great trouble owing to there being no road bridge over the Ghaggar river near Kalka ;
- (ii) whether it is a fact that this is the only gap for motorists to and from Simla ;
- (iii) whether the Government is also aware that in the rainy season this trouble is very acute and is in no few cases attended by accidents ;
- (iv) If so, what action Government intends to take in the matter ?

**The Honourable Sardar Sir Jogendra Singh :** (i) Trouble is only experienced after heavy rain when the river is in flood.

(ii) This depends on the motorists' route.

(iii) Government is aware that there is sometimes trouble in the rainy season, but very few accidents have been reported.

(iv) To bridge the Ghaggar would cost Rs. 7 or 8 lakhs—a sum which it has not been hitherto possible to propose for expenditure in view of many more urgent projects awaiting funds in other parts of the province.

#### DIVERSION OF GHAGGAR RIVER BY PATIALA STATE.

**1742. Rai Bahadur Lala Ganga Ram:** Will the Honourable Member for Revenue be pleased to state—

- (i) whether it is a fact that the Patiala State authorities divert the flow of Ghaggar water to their own territory, preventing it from reaching the British territory close by;
- (ii) whether the Government is in agreement with the Patiala State for this diversion of water for irrigation purposes;
- (iii) whether the Government is aware that there is considerable dissatisfaction among the residents of British territory over this unfair arrangement whereby the Patiala State authorities deprive them of water for irrigation purposes;
- (iv) if so, what action Government proposes to take in the matter?

**The Honourable Captain Sardar Sikandar Hyat Khan:** The matter has been and is engaging the earnest attention of Government. Negotiations are proceeding between the Patiala and Bikaner Darbars and the Punjab Government, with a view to arriving at a settlement acceptable to all the parties concerned. Government therefore considers that it would be contrary to the public interest to make a detailed statement at this stage.

#### BHAKRA DAM.

**1743. Rai Bahadur Lala Ganga Ram:** Will the Honourable Member for Revenue be pleased to state—

- (i) at what stage has the scheme of Bhakra Dam reached and whether its completion is in any way dependent upon the parallel scheme of Havelian Dam;
- (ii) the comparative usefulness of the two schemes as regards the area likely to come under irrigation, its capability of improvement under prospective irrigation and the number of people to be benefited from the scheme;
- (iii) whether it is a fact that there is a strong report that Bhakra Dam is likely to be kept in abeyance till the Havelian Dam scheme is carried into effect;
- (iv) whether the Government is aware that this report has caused great agitation among the people of Amabala Division and other adjacent territory who are to benefit most from the Bhakra Dam scheme;
- (v) if so, what action Government proposes to take to allay the public apprehension referred to above?

**The Honourable Captain Sardar Sikandar Hyat Khan :** (i) At present an investigation is proceeding with the object of ascertaining whether the impounding of the waters of the Sutlej by the proposed Bhakra Dam will have an adverse effect on the inundation canals in Sind. There is no connection between the Haveli and Bhakra projects nor are they parallel.

(ii) The total areas commanded by Haveli and Bhakra projects, as at present designed, are about  $1\frac{1}{2}$  and 12 million acres respectively. The number of persons who might be benefited by either scheme is unknown.

(iii) Government is not aware of any such report, which is without foundation.

(iv) No.

(v) Does not arise, but the attention of the honourable member is invited to the Press *Communiqués* issued on the subject. Copies of Press *Communiqués* are laid on the table.<sup>1</sup>

#### PAPERS LAID ON THE TABLE.

The Secretary laid on the table the statement<sup>1</sup> showing additions and reductions by the Finance Department in the non-voted grants for the year ending 31st March 1930.

#### MOTION FOR ADJOURNMENT.

##### REMOVAL OF CHAUDHRI AFZAL HAQ FROM THE LIST OF NON-OFFICIAL VISITORS OF JAILS.

**Shaikh Muhammad Sadiq :** Sir, I beg to ask leave to make a motion for the adjournment of the business of the Council for the purpose of discussing a definite matter of urgent recent public importance namely, the infringement of the privileges of the House and behaviour of Government to a member of the Council as disclosed by Chaudhri Afzal Haq in the recent correspondence between him and Government and its officials regarding his removal from the list of non-official visitors of jails.

**Mr. President :** I have received from the honourable member Shaikh Muhammad Sadiq, the following notice :—

“ I beg to give notice of the following motion for the adjournment of the business of the Council for the purpose of discussing a definite matter of urgent recent public importance, namely, the infringement of the privileges of the House and behaviour of Government to a member of the Council as disclosed by Chaudhri Afzal Haq in the recent correspondence between him and Government and its officials regarding his removal from the list of non-official visitors of jails. ”

May I ask whether the honourable member has the leave of the House to move the adjournment ?

<sup>1</sup>Kept in the Library.

**The Honourable Captain Sardar Sikandar Hyat Khan :** May I draw your attention to Article 45 (ii) of the Manual of Business and procedure which says:—

Not more than one matter can be discussed on the same motion, and the motion must be restricted to a specific matter of recent occurrence.

I may say that Chaudhri Afzal Haq's name was not mentioned in the *Punjab Gazette* notification which was published on the 27th of May, and there was plenty of time for the honourable member Shaikh Muhammad Sadiq, to send in a regular and specific motion to that effect in the form of a resolution if he wanted to discuss the matter in the House. I, therefore, wish to have your ruling on that point and I trust that it should be possible to disallow the motion because of Article 45 (ii).

**Mr. President :** What has the honourable member Shaikh Muhammad Sadiq, to say in reply to the point raised ?

**Shaikh Muhammad Sadiq :** It is only after reading the correspondence that we find that the honourable member's name was wrongly removed. In fact, we knew of his removal from the list only after the correspondence appeared in the Press. Even if we knew of his removal before, we did not know the details and the correspondence came to our notice only within the last four days. I think I am absolutely right when I say that the matter is of recent occurrence and the Government cannot take shelter behind the fact that his name did not appear in the Gazette notification. The facts of the case are disclosed in the correspondence which was only recently published and in my motion I am not raising merely the question of the member's removal but of the larger question of the privileges of the House. I am not questioning the right of Government to remove any person they choose after, of course, giving notice to the member concerned. In this case the facts as they appear before us disclose that the member was given no such opportunity and that the Government was in haste in so removing him without allowing him a chance to explain his position. As this fact came to my notice only four days back I maintain I am right in requesting this honourable House to allow me the opportunity to discuss the matter.

**The Honourable Captain Sardar Sikandar Hyat Khan :** When the honourable member came to know that he had been removed from the Jail Committee from the Gazette notification he was at perfect liberty to enquire from the member concerned, I mean Chaudhri Afzal Haq, or, from the Government Member concerned why he had been removed, if he was anxious to find out the reasons.

**Shaikh Muhammad Sadiq :** True, Sir, that the member's name did not appear in the Gazette notification, but how could I know that he had been removed and that therefore his name did not appear. Moreover, I cannot be going through the whole Gazette to find out whose name appeared and whose name did not. I learnt of the removal only four days back and that is why I seek to raise the matter in the form of an adjournment motion.

**The Honourable Captain Sardar Sikandar Hyat Khan :** Then I must repeat Sir, that it is not a matter of recent occurrence.



**Shaikh Muhamman Sadiq :** I cannot at this stage enter into a discussion on that point for it will be arguing the whole case. I ask the leave of the House.

**Mr. President :** What is the test of recency? Will the Honourable Revenue Member please enlighten the House as to the test of recency which, in his opinion, the honourable mover of the motion should have satisfied?

**The Honourable Captain Sardar Sikandar Hyat Khan :** My point is that if the honourable member wanted to discuss the matter here in Council he could have sent in a regular and specific motion in the form of a resolution, as he had plenty of time to do so.

**Mr. President :** May I take it then that the honourable member objects to leave being granted?

**The Honourable Captain Sardar Sikandar Hyat Khan :** Yes, Sir.

**Mr. President :** I shall then ascertain the sense of the House. Has the honourable member leave of the House to move the motion? (*More than 20 members having stood in favour of leave being given.*) The honourable member has the leave of the House. The question is when the motion should be discussed. (*After ascertaining the sense of the House informally.*) The House will take up the motion at 4 P.M. to-morrow.

#### RESOLUTION.

##### RESOLUTION re REDUCTION OF ABIANA.

**Mian Nurullah** [Lyallpur South (Muhammadan), Rural]: Sir, I beg to move that:—

This Council recommends to the Government that in view of the abnormal fall in prices of staple crops and the prevailing economic distress in rural areas the rates of *abiana* be forthwith reduced by 25 per cent.

Sir, the fact that this is not the first time that the question of *abiana* is before the House and the fact that this point has been coming on in the Council nearly every other year practically shows that it is a question of very great importance. Some of the members have heard debates many a time on this question and some of the arguments, no doubt, would be mere repetition of the previous arguments. But I hope you will all lend me your ears and take a lively interest in the debate so that we might arrive at a proper decision and put it into action and not only finish it by discussion and debate. It is a question that touches a vast majority of our population. The urgency of the question was never so great and the keenness never so acute as it is to-day.

At the very outset I must point out that what I am going to say should not be interpreted as a revolutionary propaganda (*laughter*). If anything, it is to avert it. As a representative of the zamindars it is my bounden duty to speak in this House and talk on this problem rather frankly in the hope that a genuine talk with goodwill on both sides will bear its fruit. I am sure, that all well-wishers of the province will support me.

Now, let me depict and analyse the conditions of the zamindars. There has been an unprecedented fall in the prices of the crops some of which have touched the lowest recorded figure for the last 25 years or so. This fact and the political discontent coupled with the consequent economic distress may lead us anywhere, and that is the reason why I say that it is so urgent that some action must be taken. How the zamindars have come to their present stage and have now begun to feel the crushing heavy burden of rates and taxes, I must make clear. In fact the burden at this moment may be called unbearable, not only unbearable for those who are poor and the poorest of the poor, but also unbearable for the so-called rich. I ask the honourable members, the representatives of the zamindars present in this House, who are big landlords what they feel when they are called upon to pay the revenues and rates. Do not many of them have to knock the doors of banks? I hope they will answer it as they should and as the facts are.

Let me now, Sir, take the case of the Lower Chenab Canal area, from which part, I come. That portion, that area, that locality is one of the richest, probably the richest in the whole province and from the conditions of that you will be able to follow and judge the conditions of the rest of the whole of the province. The burden of revenue has been felt for a long time now. In fact, it was first felt in the year 1911 and 1918 when the revenue rates were first enhanced. When these rates were increased, a big agitation was started and the then Governor in the hot summer month of July had to go there to study conditions on the spot. But, Sir, the great War broke out, and when the War started the zamindars in order to show their deep-rooted loyalty gave up the agitation. All their attention was directed towards that world-wide catastrophe. The meritorious services rendered by the zamindars during the Great War are well known to the Government.

The economic effects of the War were very far-reaching. The rise in prices, though gradual, was unprecedented. It was a flood of wealth that flowed everywhere. The result was that prices of cotton went up as high as Rs. 28, and the prices of wheat were as high as Rs. 11, I should think. Everybody gained, except those people who had fixed salaries and fixed income. Sir, a zamindar who owned one square of land thought himself to be a Raja. They raised their standard of living and the margin of profit that they saved was such as they had never dreamt of. Everybody thought that those conditions had come to stay permanently. Nobody anticipated, not even the Government, that the conditions would some day be reversed. The Government raised the scale of pay and salaries of its servants. They started new departments and extended the old ones. The result was that there began to be a deficit in the Budgets, and to meet those recurring deficits the Government in 1924, with one stroke of the pen, without taking this House into its confidence, raised the occupiers' rates, popularly known as *abiana* by about 75 lakhs or so. Sir, the loyalty of the zamindar was still unshaken, he did not agitate, he could have well agitated, but he paid it. Six more years have passed and the prices have been falling and falling, but no action has been taken by the Government. The economic effect is not felt by those who have fixed income or those people who live on salaries. The fall in the general level of prices means a rise in the value of money. All businessmen and agriculturists are the losers and the agriculturists especially fare the worst, they are touched the most. Not only the after-effect of the

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War and the fall in prices, which was its natural outcome and outstanding factor, but many other causes have led to the present condition of the zamindars and to appreciate these things fully, we must have a survey of all those conditions. In the first place, Sir, I should say that the standard of living was raised very much. For the last few years the zamindars have been trying their very best to lower it and they have done it as far as they could. Now they find it very difficult even to maintain it.

*Secondly*, the enlargement of families. Unfortunately the poor-men breed more. The poorer the man, the larger the family. I personally think that if we are not able to solve the problem of population in India, I am afraid, epidemics or revolution will solve it.

*Thirdly*, sub-division of holdings. Law and custom both help in it. We had 30 years of prosperity and in the prosperous days we had gone farther than we thought. If a historian were to write economic history, I should say, these 30 years of prosperity he would call as "the golden age" of our province.

*Fourthly*, Sir, there was increase in the price of bullocks and other agricultural implements. The prices of bullocks now is going down and this cause will be solved automatically.

*Fifthly*, Sir, the very unfortunate failure of crops ending with *kharif* 1928.

*Sixthly*, Sir, frequent visitations of Locust (Tiddi) and floods.

*Seventhly*, the spread of education. Curiously enough education with all its advantages, entailed heavy burdens and additional expenses for which there was no return due to unemployment. This problem too when the education becomes universal, we hope, will be solved automatically.

*Eighthly*, increase in the area colonized and decrease in the supply of water and also a decrease in the fertility of the soil and the application of the law of diminishing returns.

*Ninthly*, the sale of *baqaya* lands by the Government in the same period exhausted the very small and slender resources of the zamindars. It not only made the zamindar go to saukars and borrow huge amounts but, I should think it did mislead the Government too. The Government thought that so much money was coming in and they ventured on many big schemes. Unfortunately now, these instalments are not being paid and the Government must be in a difficulty. I find that zamindars are failing to pay these instalments now and the land sold is being confiscated by the Government. But would it not be better if the Government gave as much land as has been paid for and reserve the rest of the land for some better day if that day comes.

*Tenthly*, the indebtedness that I have just alluded to increased; and here we may, differentiate between the actual rate of interest that the zamindar has to pay and the real rate of interest due to the fall in prices. Supposing you bought something for Rs. 100. The price goes down to Rs. 50; after a year and you pay 20 per cent. as interest. What do you pay? Rs. 50; as the fall in price and Rs. 20, as interest. That amounts to 70 per

cent. actually. Last, but not the least and one of the main factors has been the change of rate of exchange from 1s. 4d. to 1s. 6d.

The cycle of crops that began with *rabi* 1929 brought a ray of hope to the zamindars. But the abnormal and sudden and unprecedented fall in prices, coupled with the visitations of locusts and floods has killed that ray of hope, and the zamindars are absolutely unable to make both ends meet. Sir, this fall in one year of over 60 per cent. in the prices of wheat has made him practically helpless.

The speculation rates I learn from the market for the next crop of cotton are between Rs. 4 and Rs. 5, per maund.

**Dr. Gokul Chand Narang :** For *Kapas*?

**Mian Nurullah :** Yes, for *Kapas*. The rate of *Rui* which is ginned cotton would be Rs. 16 to Rs. 17. One should take this into consideration when he bases his taxation. In every civilized country and in every Government the capacity of the assessee must be found out. So we cannot ignore all these factors while trying to find out his capacity to pay. I have not an unlimited time at my disposal, but if you permit me I would like to give some details of income and expenditure of a zamindar who owns a square of land, and the men who own a square of land is only a fraction of the whole population I believe something like one per cent. I have admitted that once he has thought himself to be a Raja but now I see, that he is only living on his capital. I have circulated a few copies of the accounts, worked out on strict business lines, and if you do not mind I would like any body to come up and criticise the figures. I have based these things on a Text Book of Agriculture by Mr. Roberts, late Principal of the Agricultural College, Lyallpur and the Farm Accounts prepared by Mr. Stuart. The average yields are taken from the Agriculture Department itself and the present market rates. These accounts are based on the average yield of the Agricultural Department. I want to remove the misunderstanding that zamindars are well off to-day. They are not. They were once.

Unfortunately and foolishly enough a zamindar sows about 27 acres out of a square for both crops, and it is on that basis that my accounts stand.

| Crop.              | Acres.     | Yield.           | Rate. |       | Value.       |            |
|--------------------|------------|------------------|-------|-------|--------------|------------|
|                    |            |                  | Rs.   | A. P. | Rs.          | A. P.      |
| Wheat              | 11 Acres.  | Maunds.<br>15    | 2     | 8 0   | 412          | 8 0        |
| Bhusa              | Do.        | 248              | 0     | 4 0   | 62           | 0 0        |
| Cotton             | 2 Desi     | 6                | 8     | 0 0   | 96           | 0 0        |
|                    | 4 American | 6                | 11    | 4 0   | 269          | 8 0        |
| Toria              | 2 acres    | 8                | 5     | 12 0  | 92           | 0 0        |
| Sugar-cane         | 1 acre     | 35               | 5     | 8 0   | 192          | 8 0        |
| Gram               | 2 acres    | 14               | 31    | 4 0   | 91           | 0 0        |
| Maize              | 1 acre     | 20               | 2     | 4 0   | 45           | 0 0        |
| Fodder             | ..         | ..               | ..    | ..    | ..           | ..         |
| Sonji              | ..         | ..               | ..    | ..    | ..           | ..         |
| Shaftal            | ..         | ..               | ..    | ..    | ..           | ..         |
| Chari              | ..         | ..               | ..    | ..    | ..           | ..         |
| Gwara or           | ..         | ..               | ..    | ..    | ..           | ..         |
| Turnips            | ..         | ..               | ..    | ..    | ..           | ..         |
|                    | 2 acres    | Rs. 7 per kanal. | ..    | ..    | 112          | 0 0        |
|                    | 2 acres    | Rs. 5 per kanal. | ..    | ..    | 80           | 0 0        |
| <b>GROSS TOTAL</b> | ..         | ..               | ..    | ..    | <b>1,452</b> | <b>8 0</b> |

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Expenditure on the basis that he requires four bullocks and two labourers for 1 square :—

|   | Rs.       | Rs. A. P. |
|---|-----------|-----------|
| <i>Seed.</i> —An average worked out by Agricultural Department and accepted in Farm Accounts Rs. 2-4-0 per acre at present rates otherwise Rs. 2-8-0 to Rs. 2-10-0 on total average of 27 acres .. .. . |           | 60 12 0   |
| <i>Feeding live stock</i> :—Whole bhusa all fodder and 1 acre gram—   |           |           |
| Bhusa .. .. .   | 62        |           |
| All fodder .. .. .  | 192       |           |
| 1 acre gram .. .. .   | 45        | 299 0 0   |
| <i>Kamins.</i> —Connected with farming i.e. Carpenter and blacksmith Re. 0-8-0 per acre at low rates or 11 annas at high rates .. .. .  |           | 13 8 0    |
| <i>Other Kamins</i> —   | Rs. A. P. |           |
| Nai .. .. .   | 5 8 0     |           |
| Mochi .. .. .   | 5 8 0     |           |
| Mashki .. .. .  | 6 8 0     |           |
| Dhobi .. .. .   | 5 8 0     |           |
| Ghumar .. .. .  | 5 8 0     | 28 8 0    |

Expenditure on capital outlay which includes interest on money spent on bullocks and agricultural implements and depreciation and necessary renewals :—

|  |           |                         |
|--|-----------|-------------------------|
| Bullocks 500 at 25 per cent. .. .. .   | 125 0 0   |                         |
| Interest and depreciation on implements, etc. on Rs. 400—15 interest and 10 per cent. depreciation .. .. . | 100 0 0   |                         |
| Renewals .. .. .   | 20 0 0    | 245 0 0                 |
| <i>Winnowing and harvesting and picking of cotton</i> —  |           |                         |
| Picking 1-10th of cotton .. .. .   | 36 8 0    |                         |
| Harvesting wheat 22 bushels at Rs. 1-4-0 .. .. .   | 27 8 0    |                         |
| Winnowing 2 srs. per maund of wheat 8 maunds .. .. .   | 20 0 0    |                         |
| Gur making 2 srs. per maund .. .. .  | 10 4 0    | 94 4 0                  |
| <i>Labour</i> :—   |           |                         |
| 2 labourers on average of Rs. 80 per annum at low rates, i.e., paying in kind .. .. .                      |           | 160 0 0                 |
| <i>Land Revenue</i> —  |           |                         |
| Rs. 300 or so, See Farm Accounts 1927-28, page 22. It should be more .. .. .                               |           | 300 0 0                 |
|  |           | 1,201 0 0               |
| Net saving per square .. .. .  | 1,452 8 0 |                         |
|  | 1,201 0 0 |                         |
|  | 251 8 0   | or 21 or so per mensem. |

With this he has to feed a whole family consisting of himself, wife, four or five children and a sister or mother. The bare necessities of so many persons to keep life and soul together are—

|                                      |    |    |    |    | Maunds. | Rs. | A. | P. |
|--------------------------------------|----|----|----|----|---------|-----|----|----|
| Wheat                                | .. | .. | .. | .. | 50      | 125 | 0  | 0  |
| Maize                                | .. | .. | .. | .. | 10      | 22  | 8  | 0  |
| Cotton                               | .. | .. | .. | .. | 3       | 24  | 0  | 0  |
| Gur                                  | .. | .. | .. | .. | 5       | 27  | 8  | 0  |
| Mirch, Masala, Dal, Rice, Ghee, etc. | .. | .. | .. | .. | ..      | 50  | 0  | 0  |
| Total .. ..                          |    |    |    |    |         | 249 | 0  | 0  |

Balance saved for all other requirements is practically *nil*. A very big item of interest on capital spent upon land has not been brought into these accounts at all. He pays 15 per cent. as interest. If he had bought a square for Rs. 10,000, it comes to Rs. 1,500. Thus all zamindara is at a loss. May I ask wherefrom is he to educate his children and wherefrom is he to take money for the marriages of the grown-up children and wherefrom is he to meet his clothing bill? These things are not included, and then wherefrom is he to meet the cost of litigation (to which he may be dragged)? Further I need not allude to the illegal gratifications. Perhaps we all know that this has become a part and parcel of the life of a zamindar. It is a mystery how a zamindar carries on. You will ask me what is the secret in it. I refer you briefly to my items Nos. 4 and 5 where he saves a little. It is on the interest and depreciation that he saves. I have stated that the amount under that head is Rs. 245, but he saves about half. His forefathers invested the money on these things and he has not to spend much. Then you will ask, why does he not leave agriculture? My answer is, what else has he got to do? How can he keep his family from starving? He was never taught any trade or business and he must have an interval of six months to learn a new one. His forefathers left him in a running concern and he drags on. Another item where he saves probably is in his own labour. I have stated in this account an item, picking of cotton, which he with the help of his family saves. If the rate of cotton is going to be Rs. 4 or Rs. 5, at which I learn speculation is being carried on for the next crop, the shortage will be too great for him. It might bring him a deficit of Rs. 175, in addition to his negative balance. I have therefore my own doubts that he will be helpless and that, apart from any agitation or any other influence he may not be able to pay the revenue for the next *kharif*. They have paid it now and as far as I know there is not a single one in my constituency who has not paid it (*hear, hear*). But I must explain to you how he has done it and, if you allow me the use of a Punjabi word, they have paid it by keeping a *pathar* (stone) on their *pet* (stomach).

I can assure you that, if you go into villages, you will find hundreds and thousands of persons who are left without even a maund of wheat and I am wondering how they will be able to carry on for the rest of the year. They will have to go to the sahuakar and borrow money at very exorbitant rates of interest. Some of the sahuakars are even refusing to lend money and this fact you can ascertain if you go into the villages and see for yourselves..

[Mian Nurullah.]

Some of these people have mortgaged their ornaments, some their lands, and others—though not in my constituency, but in other constituencies, in Lyallpur tahsil and other places, I learnt this from a zaildar—have gone to their old districts to sell or mortgage their lands. The pity is that some of the zamindars have to sell their dearest assets and that is the bullocks. The other day somebody argued with me that in a little town like Gojra Government received Rs. 2,000 at the rate of 8½ per cent. on the sale proceeds of cattle in a cattle fair held monthly. If in a small mandi they are raising Rs. 2,000 to Rs. 3,000 per month, I have also learnt that the merchants who brought these cattle were from Peshawar. What does it show? Does it show the prosperity or the plight of the zamindar? If you go there, you will find that Government never raised this much before.

I may be allowed to point out one great drawback which might in future be a source of danger to the administration. One of my English friends who came from England only a couple of years ago as a Principal in one of the colleges of Lahore told me that the blame for all that is happening lies on, and I agree with him that the blame will lie on, those high officials who sit behind heaps and heaps of files and do not know what is going on outside in the world. Working day and night behind the files would not help. You must go out into the country. You must take people into your confidence. You must talk to them privately and then you will realize the true position. Sir, it is well known that the information that Government receives is all got from the Collectors or the Deputy Commissioners; and what is the source of information of these people? It is only a few zamindars, most of whom are lambardars and zaildars, who have not got either the moral courage to speak the truth or else they have got their own axe to grind, so they just say things which are likely to please the officers. Nobody cares for these lambardars and zaildars nowadays. That is the difficulty which we also have to meet in the next election. Formerly, the lambardar was enough to manage everything and do what we wanted. The people have now come to realize that these are Government men. That is a danger signal. The gulf is growing between these two classes, consequently between Government and the zamindars in general. It ought not to be allowed to grow. Why should an independent person go at all to see a Deputy Commissioner? *Firstly*, he will have to wait for 2 or 3 hours to see him. Even if he is allowed an interview, what has he to say? And whatever he says is likely to be misinterpreted because so many would have spoken differently to the Deputy Commissioner. Even if anything is said independently in the Council, probably Government would not believe it because they have got quite different reports from their own officers. Sir, one of my honourable friends, our Deputy President, a few days ago issued a letter to big zamindar friends, the right-hand men of Government, to know how to meet the situation. They think that some relief ought to be given to the zamindars. They have admitted frankly that unless this is done they will not be able to help Government in any way. They may not say that before the officials. But that is the trouble, that is the weak point, that is the danger. (*An Honourable Member*: "What is the remedy?") I am coming to that.

If we touch the question of land revenue, the high Government officials say, "Your own members, your own representatives, after five years of hard

labour and thinking, have amended the Land Revenue Act. Why not wait and see the result of that?" At the rates now prevailing I think we are sure to gain. But what are we to do in the meanwhile? There is a couplet in Persian—

تا تریاق از عراق او رده شود مہار گزیدہ ہر دہہ شود

It means that by the time you bring medicine from Iraq the patient bitten by a snake might die. That is one reason why I am moving this resolution to-day. My constituents wanted me to move for a reduction of 50 per cent. But I have to look to the other side also. One has to be reasonable and consider how is Government to go on. Further I was afraid that, if I moved for 50 per cent. reduction, how I would be able to suggest ways and means to find the money. But, Sir, I must, in all constitutional ways and most forcibly lay the case of the zamindars before the House. That is why I have moved this reduction in *abiana* and asked only for 25 per cent. reduction.

Sir, people argue that, due to the canals, Government is able to raise so much land revenue. Then why should they charge such high rates? If they are to charge water-rate, it should be just enough to return a reasonable amount on their capital outlay in addition to cost of working them and nothing more. If you are to do it, do it just as the business-people do and charge 5 or 6 up to 10 per cent. I shall read to you a few lines from the Colony Manual, volume I, page 8, paragraphs 30 and 31, relating to the Lower Chenab Canal.

"The expected profit was contemplated at 12½ per cent. in the 10th year after completion; 15½ per cent. in the 15th and the following years. How cautiously this forecast was prepared is evidenced by the results. By the end of 1918-19 the total capital invested had amounted to Rs. 3,25 lakhs and the accumulated profits after defraying interest charges to 15,19 lakhs, the average profit during the previous 7 or 8 years having been over 40 per cent. on the capital outlay."

**The Honourable Captain Sardar Sikandar Hyat Khan:** How much is it on the Lower Jhelum Canal?

**Mian Nurullah:** Now 40 per cent. per annum, after paying charges on interest. Would it not be fair if for that reason alone the charges on that canal are immediately reduced? Now, Sir, somebody is likely to get up and say that the average profit works out to 8½ per cent. Then does it mean that the statement that I have read is not true? If not, is the case of the Lower Chenab Canal made out? I ask, Sir, how many times over has the capital outlay on that canal been returned because the enhanced rate of revenue has been applied for the last so many years?

Another point is this. Just see how much more wheat a zamindar is required to sell to pay his *abiana*. Compare 1921 with 1930. In 1921, Sir, the rate of *abiana* was Rs. 3-12-0 and the rate of wheat was between Rs. 10 and Rs. 11. How much wheat had he to sell to pay his *abiana*? It comes to 15 seers. Now in 1930 the rate of wheat is Rs. 2-8-0, and the revenue is Rs. 5-12-0. How much wheat has he to sell to pay his *abiana*? It is 90 seers. 600 per cent. Should not a zamindar feel it?

Thirdly, the closures prove a havoc. They are untimely. Government does not come and say, this land is not properly irrigated and we will not charge any *abiana*. It does not come forward and say that this land had



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only one watering instead of four and so we charge only one-fourth of the *abiana*.

*Fourthly*, the *kharaba* rules are absolutely inadequate. If you like, I can give you instances. The rule is that *kharaba* should be allowed if a zamindar recovers nothing beyond the cost of seed and the cost of cultivation, which in the case of wheat comes to Rs. 8. If unfortunately an acre of wheat yields Rs. 9 or Rs. 10, the zamindar is called upon to pay the full *abiana*. That comes to Rs. 12 or Rs. 14. Where is he to find this money? Should not the rule be that it should include the cost of seed, the cost of cultivation and the *abiana*? So that, if he is to pay the *abiana*, that goes to Government. He recovers the cost of seed and the cost of cultivation and he can manage.

Then, Sir, there is the question of remodelling. It is yet a slur on the science of irrigation. We hope there will be improvement soon in this direction. Sir, should not there be any protection against these things, against the *kharaba* rules, against the remodelling and so on? The only way is by the reduction of *abiana*. Let me read out to you what was the object when some of the canals were first dug. Then you will judge for yourself. It is a quotation of Lord Lawrence:—

“ If we wish to feed thousands of human beings whom the change of rule must necessarily throw out of employment, we cannot more readily do so than by cutting new canals and by improving the beds of the old. ”

**Mr. President:** Order, order. The honourable member has already taken about 45 minutes. May I request him now to wind up his speech?

**Mian Nurullah:** Sir, if you only allow me five minutes, I hope to be able to sum up the whole thing.

**Mr. President:** Very well.

**Mian Nurullah:** Sir, I have dealt with the subject of the resolution. Now I must turn to its counterpart and suggest how we have to make up all this revenue. If you look at the budget, you will find that direct receipts are Rs. 4,60,00,000 or so. So the revenue loss would amount to Rs. 1,15,00,000, which is a big sum. It will be best if Government appoints a committee, but for the present I may say that Government should carry on vigorous retrenchment. During the war days, during the days of rise in prices and during the boom days they extended the old departments and opened many new ones unnecessarily. Now it is time to curtail them. *Secondly*, I suggest that Government should reduce the salaries of all those who draw over Rs. 250 per month by 25 per cent. (*Laughter.*) I consider this very important. I must say that, when prices were going up, Government raised the salaries of Government servants because with a fixed pay they were getting less and less in commodities. Now, Sir, the prices have fallen, and the Government servant is the only gainer. He gets much more in commodities than what he used to get for the same pay. The agriculturist loses and the business-man loses, while the man with a fixed income gains. His bank balance is getting fatter and fatter these days. His position is quite safe. I might suggest that the services will not be worse off either because those who have the advantage of having their education in England and other foreign countries will say that they cannot manage on that reduced pay and would not seek service. They will explore new fields of agricultural, industrial and

commercial development or they will seek honourable and remunerative lines elsewhere. The people from the middle classes generally are very able men; they will come and take their places. The efficiency of the services will not be decreased. On the other hand, the efficiency will increase, and I say that there is no doubt that such people will come forward who will accept any scale of pay that you set up. Competition is keener than ever. Why should you not take a fair advantage of this situation?

*Thirdly*, Sir, I come to a very important item, that is, that income-tax should be levied on the income of those who earn from Rs. 1,000 to Rs. 2,000. Compare their position with that of the land-owners, and you will find that a man earning Rs. 1,000 is of the same position as the landlord having two or two and a half squares. If that is so, why should he not contribute to the provincial funds? Government should get this power from the Government of India and make use of it. This will bring in a huge amount.

**Diwan Bahadur Raja Narendra Nath:** Income-tax on agricultural income?

**Mian Nurullah:** On the other income. Agricultural income is already overtaxed. Then there are so many ways in which Government can effect economies if it wants to. Let us see the working expenses of the canals. Rs. 4,60,00,000 is the direct revenue from irrigation. On the expenditure side the figure is Rs. 2,40,00,000, that is over 50 per cent. Has any business company ever done that? I ask, is the amount spent on the salaries of Superintending Engineers and their establishments, running into lakhs, worth it? They are called the post office of the Canal Department. Then there is a similar post of Commissioners on the civil side. You go into the district and you find that, where there used to be one civil surgeon only, now there is the civil surgeon, the district officer of health and the municipal health officers. Why is there so much multiplication of posts? Formerly the canal rest-houses were built at a distance of 10 miles, now they should be built at a distance of 20 miles as every officer now a days has a car. They go forty miles in a day and come back the same evening. There should be a check on such travelling allowance of officers.

I have got many sound proposals if the House will only give me a patient hearing. (*Cries of 'Go on.'*) Take the question of the travelling allowance. In the Canal Department the Executive Engineers get the maximum allowance of Rs. 400 per mensem. Compare this with the income of the zamindar who owns a square of land and only gets Rs. 21 per mensem. The condition of the poorest of the poor zamindars is absolutely hopeless. Their poverty is eating into their very vitals. They are on the verge of starvation. Some of them, due to the sub-division of holdings, do not own more land than the land attached to a private *kothi*. The result of this poverty is that they are getting desperate. Some of them are taking to looting, some to thieving and some prefer to go to jail, and I am afraid this mentality of going to jail is increasing amongst the zamindars. (*Dr. Gokul Chand Narang:* As volunteers?) (*Laughter.*) I have nothing to do with the Congress movement. They go to jails because economically they are better off in jails because there they get as much as six annas per day. The other day, when I was coming up to Simla, I got hold of a paper, I think it was the *Civil and Military Gazette* of the 18th, and there

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I came across a heading "Looting spreads in Bengal villages," which was soon followed by the words "The trouble is economic," says "the Governor." Cannot we take a lesson and act on the saying "A stitch in time saves nine?"

In 1924, when the water-rate was enhanced, our able Finance Member—the Honourable Sir John Maynard, gave an assurance in the clearest possible words that, when the Government of India will reduce the provincial contribution, we will go through the whole question of taxation in this province, including *abiana*. Has not the Government of India reduced the provincial contribution to *nil*? What has our Government done in the matter?

In 1924, when Government was in trouble when there was a big deficit in the budget, Government made up the deficit with one stroke of the pen. The zamindars took the burden upon them without much ado.

**Mr. M. A. Ghani:** Sir, is the honourable member in order in reading a written speech.

**Mr. President:** Objection is taken that the honourable member is reading a written speech.

**Mian Nurullah:** My contention now is that there is a serious deficit in the budget of the zamindars. They cannot even recover the cost of production. Will not Government be magnanimous, and this time, with a similar stroke of the pen, reduce the *abiana*?

**Mr. M. A. Ghani:** I rise to a point of order. The honourable member is reading a written speech.

**Mr. President:** Is the honourable member reading his speech?

**Mian Nurullah:** No, Sir, I just want to say a few words if you allow me a little more time.

**Mr. President:** What document is the honourable member referring to?

**Mian Nurullah:** Notes. If the House does not like to hear me, I will stop. (*Cries of 'Go on.'*)

**Mr. President:** Has the honourable member finished his speech?

**Mian Nurullah:** Yes, I have finished.

**Mr. President:** The resolution moved is—

"This Council recommends to Government that, in view of the abnormal fall in prices of staple crops and the prevailing economic distress in rural areas, the rates of *abiana* be forthwith reduced by 25 per cent."

**Diwan Bahadur Raja Narendra Nath** [Punjab Land-holders (General)]: Sir, it goes without saying that I have every sympathy with the mover of the resolution. All the time I have been hearing him I have been feeling as if in the greater part of his speech he has been pleading my cause, and I am glad that he has not taken a one-sided view. He has not been only destructive in his criticism, but he has suggested a constructive policy. He has proposed remedies. But it seems to me that the remedies suggested mean such an elaborate investigation and enquiry that his demand for the immediate reduction in the rates of *abiana* by 25 per cent. cannot be reconciled with the request for investigation and enquiry. He has given us a

number of figures and statistics about land-owners generally, whether they are owners of lands irrigated by canal or only *barani* lands, and I need not say that all the arguments that he has advanced with regard to the reduction of Government demand so far as they are affected by the fall of prices apply also to land-owners who receive no water from Government canals and who own *barani* lands. (*Hear, hear.*)

The question therefore is of a very extensive character, and I do not think that the ultimate figure which he gives that Government will suffer only by a crore of rupees annually is correct. The demand will eventually lead to the lowering of the demand on account of land revenue, and it should not be forgotten that land revenue is a fixed demand ascertained after an elaborate enquiry and is supposed to continue for a number of years. When last time the canal rates were increased, there is not the least doubt that the prices prevailing at the time had some effect on the proposal to increase. It was urged that *abiana* is only the price of commodity sold. It is the price of water-supply and it is not a kind of tax. If the price of the commodity sold has arisen, Government has every right to demand a higher rate. If that argument had any force at the time, it has lost all its force now. Prices of food-grains have fallen considerably and with it we should expect a general fall in prices, including water, but the question to see is whether this fall is only temporary or whether it is going to be permanent. If it is going to be permanent, Government will undoubtedly have to discover some means of giving relief to the zamindar; I know it from my personal experience that it has become rather difficult to collect the *abiana* as well as rent for even land-owners who possess large areas. The all-round retrenchment that the honourable member has proposed is a scheme which cannot be undertaken at once. It needs an elaborate enquiry and the additional scheme of taxation which he has proposed also cannot be carried out in one day.

For instance, with regard to the raising of the minimum limit of taxation, I do not see eye to eye with him because I think that he shifts the burden of taxation from one class of poor population to another class of poor population.

The other question which I put to the honourable member while he was delivering his speech and which he did not answer was this, whether he was prepared to propose an income-tax on agricultural income of large land-owners. He did not receive that proposal very favourably. I have no doubt that the data which he has laid before the Council will be fully considered by Government and, if the present feature will continue for a long time, Government will find some means of giving relief. Then the question will arise, how the demands of our nation-building departments will be met; how new roads are to be constructed, how new hospitals are to be started, how education is to be spread and so on. I would therefore request my honourable friend not to press for the adoption of the resolution at once. He has quoted figures and he has pleaded the case forcibly, and I have no doubt that the Honourable Member for Revenue will give every consideration to what he has said.

There is only one thing before I finish my speech, and it is this. This appeal of loyalty to Government and co-operation with Government is out

[ D. B. Raja Narendra Nath. ]

of date. There is not another Government now sitting upon us before whom we go and put forward the appeal. We are Government ourselves. (*Hear, hear.*) I would ask every honourable member in the House to act on the supposition that he is a Revenue Member himself, and that he has to adjust the demands from the various departments. I reiterate the request to the honourable mover that he will not press the immediate adoption of his resolution.

**Mr. H. Calvert** (Financial Commissioner) : Sir, I think that every one of us who has devoted much time to studying the effects of the recent heavy fall in prices can only feel the very deepest sympathy with the lot of the cultivating class in general in this province. (*Hear, hear.*) There is no doubt about it that the heavy fall in prices is nothing more than an almost universal disaster on agriculture. Undoubtedly this sudden slump in the prices of agricultural produce is a blow from which our zamindar friends will take a long time to recover. But the causes, unfortunately, are world-wide. In industries, where a similar state of affairs is also now prevalent, relief has been sought by the capitalist class in getting rid of a large number of their workers and maintaining the balance on the old rates of pay. That has resulted in enormous figures of unemployment in almost all the great industrial countries of the world. In agriculture, and particularly in the family type of agriculture which prevails in this province, that is hardly a practicable solution. In theory it may be possible that the big landlords in this province may eject a half or two-thirds of their tenants and so give larger holdings to the remaining tenants to enable them to tide over this period of agricultural distress. But no one here would take such a suggestion as safe and I do not think we need discuss it. The fact we have to meet is the world-wide collapse of prices, both agricultural and industrial. I have done my best to study this question from various points of view and, as far as I can ascertain, in no country has any measure of relief for landlords, which could be called satisfactory, been yet evolved. It would seem, indeed, sure that a large part of the burden of this fall in prices must come upon the landlords in a reduction of the value of their rents. That rental value in the canal colonies has declined is a fact which nobody can deny. But the decline is by no means quite so bad as my honourable friend the mover of this resolution would have us believe.

Now, in the constitution of this Council it is natural that the majority the greater part of the zamindar element, should be themselves landlords. The vote is given on a certain basis, and that basis excludes the vast majority of the ordinary self-cultivating zamindars. So that we are apt to hear here the voice of the landlords, rather than the voice of the tenants or of the small self-cultivating zamindars. (*Hear, hear.*) Now, however great may be our sympathy for our friends the landlords, it must not blind us to the greater need of sympathy for that vast majority of Punjab zamindars who eke out a small living on a petty holding of two or three acres. In other countries, and more particularly in England, when similar calamities have befallen agriculture, landlords do their best to meet the agricultural situation by reducing rents. In England the average rent taken by landlords may be calculated at about 20 per cent. of the gross produce. In the Punjab, I think, the general custom is nearer 50 per cent., and there has not

yet been any tendency on the part of our big landlords to show their sympathy with their tenants in the present situation by reducing rents. It does seem to me that before our landlords come to Government for practical assistance in their distress they should show an equal readiness to meet the distress of their tenants by reducing rents.

Our learned friend the mover has supplied us with a calculation showing the effect of cultivating a square of land in Lyallpur. He entirely overlooked the fact that the greater part, a very large part, of land in Lyallpur is cultivated on *baiat* rent, and according to his own calculation the landlord of a square still gets something like Rs. 600 for that square.

I think I may be pardoned, in view of the fact that the landlord class is so well represented here, if I attempt more to look at the question from the point of view of the province as a whole because the landlord class, although a very important class in many ways, is still a very small minority indeed of zamindars of the Punjab. The first point that strikes one when trying to examine the effect of this proposed reduction of 25 per cent. in *abiana* is that the vast majority of the small zamindars who have no vote and get no water will suffer from this reduction. I know the landlord class of this province far too well to accuse them of deliberately trying to shift their burdens from their own shoulders on to those of the poorer classes. But they must know that the effect of a proposal like this will be to relieve them of a very legitimate charge and to place this on the backs of those least able to bear it. I hope that all those who are thinking of voting for this resolution will remember one thing. In this Council, under your presidentship, no one can charge anyone else with want of straightforwardness, but, outside this Council, when election time comes, it will be said against them that they have used their political power to divest themselves of a charge which they ought to bear and to place that charge on the shoulders of the poorer people in this province.

I propose to confine myself to the major productive works which form the larger part of our canal system. Broadly speaking, the direct receipts from *abiana* average about Rs. 4 per acre and the expenses of putting water on the acre are round about Rs. 3-7-0. The proposal is that *abiana* may be reduced by 25 per cent., that is from Rs. 4 to Rs. 3. That relief of 7 annas will be borne by the poorer classes who receive no direct benefit from the canal system. This proposal will only affect those who pay *abiana*, and they form a minority, quite a small minority, of zamindars of this province. The honourable mover bases his proposal on a desire to relieve distress in rural areas. It will not do so. It will merely lighten the burden on the richer classes and increase the burden on the poorer classes, and the distress of a vast majority of people in rural areas will be increased by this proposal. It means this, that, if you accept this proposal, the poorer people in this province must produce round about 50 lakhs of rupees more for the benefit of the rest.

Another mistake of the honourable mover was to think that *abiana* has something to do with the prices of produce. *Abiana* is not based on the prices of produce at all. *Abiana* is based on the cost of putting water on to the land plus a small margin to compensate the rest of the province for the water to which they have an equal right with the actual irrigators in

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order that they may get an indirect benefit from the great canal system. It is important that we remember that the Punjab canal system was in the main constructed as an imperial work. The major productive works of this province were built under the orders of the Government of India, and paid for by money raised by the Government of India. Therefore the Government of India have always had a certain say in the matter of this question of water-rates. We have borrowed round about Rs. 80 crores mostly for irrigation works, and we have to pay interest on that amount. We are morally bound not to deprive ourselves of the power for repayment of that interest.

4 P.M.

Now, Sir, the Government of India laid down a definite policy for fixing *abiana*. That policy was that the irrigators should pay for water such an amount as they could afford to pay in order that the benefits which they receive may be extended to the remainder of the province. They stated that the fixing of water-rates was a commercial transaction, and should be regulated mainly by the price which the cultivator was willing to pay, and that the water-rate should be as high as could be fairly paid without curtailing the demand for water. My honourable friend the mover never once advanced a single argument against this principle. He never stated that the *abiana* was so high that the zamindars were now refusing to take water. He never stated that *abiana* was so high that the irrigated area was declining. I would like to warn my zamindar friends against rushing too hastily into such a proposal as this. Recently they more or less forced Government to pass an amendment of the Land Revenue Act to the effect that the land revenue should not be altered before 40 years, however low prices might fall. That, Sir, was the position forced on Government by zamindars. If they felt that *abiana* should be based on prices, then the zamindars should have been prepared for a rise in the rates when prices were very high. And so I would ask them to hesitate before making any mistake in arguing that *abiana* should be based on prices.

The other argument to the effect that the people cannot afford to pay water-rates can be easily met. The honourable mover proposes to reduce the average water-rates from Rs. 4 to Rs. 3. Three rupees was the average water-rate almost exactly 25 years ago. In these 25 years the *barani* area of the Punjab, the area cultivated without the aid of canal water, has declined by 3 million, or 80 lakhs, of acres. The whole of this area has gone into canal irrigation. - The cultivators of these 80 lakhs of acres have voluntarily taken water and are paying for it. Not only that; but, since canals were introduced in this province, 1 million, or 10 lakhs, of acres which were cultivated with the aid of wells are now being cultivated with the aid of canals. Over 10 lakhs of acres people have discarded wells in favour of canals. Why is it? Is it because canal water is charged so high or so low? I would warn my honourable friends against being over-hasty in asking that *abiana* should be linked up with prices of produce. The *abiana* was last fixed prior to 1924 in 1904. It was then fixed at round about Rs. 3 per acre. For many years after that, until quite recently, the amount of produce which the zamindar had to sell to pay his water-rates steadily declined. It

declined steadily for 20 years. For 20 years the zamindars were paying less and less for their water every year until 1924, when it was raised again. The actual rates brought the *abiana* back to less in terms of produce than what it was in 1904. In 1924, though water-rates were raised, still the zamindar had to sell less of his produce to pay the rates than he had to pay the rates in 1904. If in 1904 the *abiana* had been fixed on prices of produce, for more than 10 years the *abiana* would have been not Rs. 4 per acre, but Rs. 9 or Rs. 10. If *abiana* had then been fixed on prices, then there would have been a case for my honourable friend's proposal, there would then have been a case for its reduction from Rs. 9 or Rs. 10 down to, say, Rs. 4 at present. But, Sir, *abiana* was never fixed on the basis of prices. And, if my honourable friends the zamindars of this Council propose to link up *abiana* with prices, they must be prepared to face a rise in *abiana* up to Rs. 9 or Rs. 10 if ever prices go up to the heights they have stopped at for the last 10 years. The present average water-rate, as I said, is Rs. 4 an acre, and the resolution proposes its reduction to Rs. 3. The honourable mover carefully avoided going into any discussion as to how this rate of Rs. 4 was arrived at. At present the maintenance and repairs of our canal system costs about 14 annas per acre. The establishment charges are also about 14 annas per acre. Then, Sir, comes an item which my honourable friend entirely omitted to inform this Council about—interest charges. The interest charges are Re. 1-10-0 per acre. Therefore the total charges which the Punjab Government has to meet are Rs. 3-6-0 or Rs. 3-7-0 per acre. As the charge levied is Rs. 4, we are left with a margin of 9 annas with which to meet the demands as to the rest of the province. If the water-rate is reduced from Rs. 4 to Rs. 3, the Punjab Government is left with a deficit of 7 annas on every acre irrigated, and, Sir, somebody must pay that 7 annas, which cannot be wiped off the slate; and, if those who get the water use their political power to refuse to pay it, the only persons left to pay it are the poor miserable people who are living on the few acres of *barani* land, and who can never see a canal in their lifetime. Twenty-five years ago, when the water-rate was Rs. 3, the maintenance and repairs cost 11 annas; establishment 8 annas; interest charges 12 annas; making up a total of Re. 1-15-0, or roughly Rs. 2. That left the province Re. 1 per acre irrigated for its general revenue purposes. I should like to remind honourable members of the figures which show how extraordinarily efficient the Irrigation Department have shown themselves in keeping down their costs. In 25 years maintenance and repair charges have only increased from 11 to 14 annas. I think a remarkable achievement for that department. Establishment charges have only increased from 8 annas to 14 annas, again a very small increase for 25 years. But interest charges have increased from 12 annas to Re. 1-10-0. The largest increase is under interest charges, an increase of 14 annas. The result is this: that, whereas 25 years ago the general revenues of the province benefited by Re. 1 per acre irrigated, or, in all, a sum of Rs. 62 lakhs, at present, with twice the area irrigated, the general revenues only get about Rs. 70 lakhs. If the *abiana* of 1904 in terms of produce had been maintained, the general revenues would have benefited by Rs. 1,11 lakhs. We are actually taking about 40 lakhs less from the zamindars of the province than we would take on the basis of 25 years ago. The general public is losing about 40 to 50 lakhs a year owing to the fact that we have not put



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*abiana* up as we ought to have done. In 1904 the Government of India directed the Punjab Government to revise its water-rates at the end of five years. If, as I say, the Punjab Government had taken that advice, the water-rates would have been round about Rs. 10 per acre in 1920, instead of as they were—Rs. 3-5-0. It would be seen that, if the proposal of the honourable mover were accepted, our magnificent system of canals throughout the province would cease to be profitable. Far from being a source of financial strength to the province, they will be a great financial loss. That, Sir, in a few words, would be one big effect of this proposal.

The honourable mover, quite justifiably and naturally, rather stressed the case of the Lower Chenab Canal. That canal was built in the last century when labour was very very cheap. The older canal system was fairly cheap, and any big canal system constructed in the eighties of the last century has been profitable. The whole of the Punjab canal system yields a profit of only 2·5 per cent. on capital outlay. The honourable mover suggested that Government could reasonably expect 5, 6 or 9 per cent. interest. But it gets only 2·5 per cent., and his proposal would wipe off that profit and make these canals run at a loss. I should like to ask the House, especially those members who feel that *abiana* is high, whether they themselves, if they were a commercial firm, would be satisfied with 2·5 per cent. on their capital outlay.

There is one more point. The great Punjab canals have of course been preceded by carefully prepared estimates. Those estimates have only been sanctioned by the Government of India and the Secretary of State when the estimates have shown a profit over all charges, and they have practically been sanctioned on the understanding that the canal system will be so worked that they will show a profit, and not a loss. On those estimates, and on that understanding, that the canal system shall be so worked as to yield a profit, we have been able to borrow nearly 90 crores of rupees. I think, Sir, we should think twice before, having persuaded the world to lend us Rs. 80 crores, we go back on the understanding on which that sum was lent to us and turn the canal system into a source of loss, instead of being a source of profit. I would warn my friends again that, in deciding which way to vote on this proposal, they should bear in mind the meaning of what I have just said. If the great constructive works estimated to yield a profit, and built with borrowed money on the understanding that they should yield a profit, are turned into a financial loss by a vote of this Council, then surely my honourable friends must see that this will mean the end, the complete end, of all great constructive works in this province. It will mean no Haveli project, no Bhakra dam; it will mean no Government could embark on any large constructive work with borrowed capital because it will feel sure that, having embarked on this work, having borrowed the amount and having spent the money, the Council will upset it by a vote, and turn a profitable scheme into a source of loss to the Punjab. My honourable friend, in referring to the Lower Chenab Canal, was of course on very safe ground. But, as everyone knows, on counts our expenses have been steadily increasing in the present century. The Lower Chenab Canal was constructed in the last century at a cost of, I think, Rs. 20 per acre, annually irrigated. The later canals have been constructed at a cost of about Rs. 70 per acre, annually

irrigated. That is to say, the Lower Bari Doab Canal and the Sutlej Valley Project have all cost round about Rs. 70 per acre. My honourable friend will see that interest charges at 6 per cent. on Rs. 20 per acre come to only about Re. 1 per acre. But on the later projects, carried out at a cost of Rs. 70, interest charges amount to Rs. 4. I have explained to this Council before that in the newer projects we are actually charging less *abiana* than what it costs to put the water on to the land. The interest charges are alone Rs. 4, and maintenance charges and establishment account for another Rs. 2. It costs on the whole Rs. 6 per acre in all the new canals, where we only charge about Rs. 4. Government regard the Punjab canal system as one, and Government regards the Punjab people as one. Therefore Government thinks it fit to take part of the profits of its older canals to relieve the irrigators of the newer canals so that water-rates may be even through the whole province. And my honourable friends will remember that in 1924 the Government of the time did not raise the water-rates beyond the maximum of any district, but sought to maintain a common level throughout the province. My honourable friend referred to the raising of the water-rates in 1924, and he rather suggested that that was a very heavy rise. The actual increase was only 17 per cent. The proposal was, as he said, for an increase of 70 lakhs, but actually, when the scheme was put into force, the increase was much less. I might explain to honourable members that, as there are different rates on different crops, the effect on the cultivators of this province, sowing higher grade crops, such as cotton, wheat and sugarcane, was a rise in the average water-rate from Rs. 3 to Rs. 3-8-0 before the rise of 1924 took place. It was a normal rise due to the very large increase under wheat, sugarcane and cotton.

The honourable mover has mentioned that this proposal would cost the province about one crore, and he went on to suggest methods whereby it could be met. All those methods involved the taking off the burden from the richest class of the province and putting it on the backs of the poorest.

Now I am going to tread for a second on rather delicate ground. There are many people who have read the Simon Report, and who hold that provincial autonomy will fail on financial grounds; that the pressure brought to bear on members to vote a reduction in Government revenues would be so great that they will be unable to resist it. Sir, I think, this is a test case as to whether this province is or is not really fit for financial autonomy. If this province, this Council, as here assembled, realize that Government cannot afford to charge the richest class in this province less than the cost price of their water, if they decide that those people must pay their full dues and must not be allowed to throw their burdens on the backs of the poorest, especially on those who have no vote or no representation, then, Sir, there will be a very strong argument for provincial autonomy for the province. If, on the other hand, the Council takes a narrower view, if they say to those people living across the Jhelum: we do not mind if there is no one to represent you here; you must pay what should really be our burden, then, Sir, it is an argument against the further grant of provincial autonomy to this province. Water-rates are in no sense a tax. The honourable mover suggested that they were. He suggested that the water-rate was a tax,

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and that Government should levy the tax with due regard to people's capacity to pay. But water-rates are only a commercial charge for a commercial service. They are as much so as freight rates, or passenger fares on railways. They represent the actual cost of the service, and not a profit. The profit accruing to railways, as we all know, is very small indeed, just as much as is any profit accruing from our great Punjab canals. When last year a certain amount of agitation on the same lines about cotton was set on foot and a motion was moved, I think, that, owing to the fall in the price of cotton, water-rates should be reduced, then, Sir, it so happened that the people of the Lower Jhelum Canal were faced with complete disaster, and the argument about reduction of *abiana* for cotton disappeared. No one ever heard it. All petitions from the Lower Jhelum Canal ceased. People there did not grumble at water-rates. They wanted water. If it was not supplied, we cannot realize how many millions of people now would be forced to live on wages from test works. The honourable mover rather suggested that *abiana* was more than the zamindars could pay, but *abiana* is the life blood; it is absolutely essential to them for they have to take water or have no crops. In the Lyallpur district the irrigated area is well over 12 lakhs of acres and *barani* only a few thousands. Without the canal system there could practically be no cultivation, no population, in that district.

I am afraid that all I have said may have sounded rather unsympathetic to the ears of my zamindar friends. I think we must bear in mind that a very great deal, in fact a large proportion, of the prosperity which they have enjoyed for the last 15 years has been due to causes beyond their control. Indeed the great rise in prosperity throughout the Punjab as a whole has been due in the first instance to the opening of the Suez Canal in 1869, which enabled them to find an outlet for their surplus produce. The railways and canals have brought the zamindars further prosperity, and, yet further, a very important element which has increased the prosperity of the zamindar enormously and put them on a very secure footing has been the growth and development of a large, well-organized, well-trained, commercial class. It is the commercial class which has enabled the zamindar to market his produce. It is the commercial class which, with improving methods, has managed to find an outlet for all their surplus wheat and cotton. It is the commercial class who have brought back to the zamindars the goods for which they exchange their produce. A very large part of the security of our zamindar friends has been brought about by the growth and development of a well-organized commercial class. And it is the commercial class in large measure which has saved this country from famine. I do not think that any of our friends here would say that the average zamindar in the province ploughs his land more often, or puts in more labour than he did 30 years ago. The labour expended is very much the same. There is no increase in outturn, except that due to irrigation. The major part of the prosperous condition of the zamindars has been due to the rise of prices due to causes outside their control. Similarly, I am very much afraid that this very disastrous slump in prices is also due to conditions outside their control. My honourable friend will ask "why don't you suggest remedies. We suggest one remedy and you turn that down. Suggest another?" I am afraid that question is being raised in more countries than one. The only

solution would be the abolition of all protective duties on steel, sugar, foreign cloth and so on, so as to develop the import trade, and create a bigger demand for our produce, and, once more, to enable us to export our cotton and wheat to markets overseas. But those measures of relief are outside the powers of the Punjab Government. I think that our friends, when they carefully consider their position, will agree that on the whole they have been treated very leniently indeed by Government. When prices rose, there was no attempt made to break settlement contracts and raise land revenue. Not a single case is there where land revenue was raised in violation of settlement agreements. On the other hand, Government stood by its contract and asked from the zamindars no further contributions to meet their increased needs. Throughout all our troublous times we have done our best to make the way of the zamindars easy. But it is perhaps quite true that our friends should find in their neighbourhood a feeling of distress at the fall in prices and should call for a reduction of the water-rate. May I remind them of the distress which this fall in prices must have caused on all those poor people in Kangra, Hoshiarpur and those poor districts where no canals run and where, if they want water, they have to sink a well and pay Rs. 20 to Rs. 40 an acre, not Rs. 4. No petitions, Sir, come from Jullundur, Hoshiarpur and other such affected districts to reduce the cost of well irrigation! Government build the canals on borrowed money, but people here have to build their own wells on their own money. There is no proposal in this Council that Government should sink wells for these poor distressed people, and bear the whole burden of the water-rates, or rather charge them Rs. 5 per acre for water and put the other Rs. 15 on to the shoulders of our canal-irrigated zamindars. I am rather surprised that my honourable friend has not in any way advanced a single argument on the method by which, at present, the water-rate is arrived at. He entirely ignored it, and confined himself to prices and talked of distress. Prices, as I have shown, have nothing to do with *abiana*. He mentioned the sale of *baqaya* land in Lyallpur. That of course has nothing whatever to do with *abiana*. The sale was a perfectly free sale, perfectly free auctions, and people at those auctions bid what they wished; and there was no pressure of Government, no order from Government; they bid what sum they thought fit, and that cannot be used as an argument for reducing *abiana* on canals. He mentioned the enormous increase of zamindars' debt. That again is due to no fault of Government. It has been incurred voluntarily, and cannot be used as an argument for reducing *abiana*. He also referred to the exchange question at Bombay, but I refuse to follow him into that difficult problem. I would refer him to Calcutta, where he will find all the arguments set forth.

He ignored in his discussion the interest charges which I have just said represent the biggest increase in the item of the costs on revenue. The capital outlay on the canals is entirely beyond the capacity of the Punjab to raise, but surely, when we borrow on the credit of the Government of India in the cheapest possible market—and the Government of India gets money for us at a cheaper rate than we can ourselves get it—we are not in a position to grumble at the charges.

I have tried to put before the Council the case, as I see, it for no interference with this *abiana* question. To me it seems a much bigger question.

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than my honourable friend suggested. It may be, as several of my honourable friends here will say, that I am now taking sides against the zamindars, but I think sometimes it is the business, it is the duty, on our part to warn our friends here against taking a wrong step and urging that they would be taking a wrong view, a markedly false step, if they vote in favour of the present proposal. (Cheers.)

**Sayad Muhammad Husain** [Montgomery (Muhammadian) Rural] Sir, it is a pity that such a vital question as the decrease of *abiana* should be so lightly treated by this House and I was quite disappointed when I heard the speech of my honourable friend the Financial Commissioner, a man of such wide sympathies and great experience, condemning the policy of reduction of *abiana*. Sir, the views of my friend would have been much stronger and would have received greater support if I or anybody else had noted that much had been done in districts like Hissar and Muzaffargarh, if all the money which has been realized in the form of enhanced *abiana* and which is decidedly at this juncture more than 50 lakhs, had been spent on the uplift of these poor districts. I had a chance only recently to go to the districts of Hissar and Muzaffargarh. The condition there is going from bad to worse. The Hissar district even at this stage is on famine relief works, and may I tell you the condition there? The women there get only 7 pice or less than 2 annas per head and they have to go with their families sometimes 3 miles and sometimes 4 miles to get work which has been started for their relief. You will often notice that they have no clothing to cover their bodies; their children are in a famished condition. How can you expect them to live on 7 pice? And, if you were to go to the district of Muzaffargarh, you will find the same thing over there. There the people have been given taccavi which Government is now realizing. But the people do not find any market for their grain; they cannot find any market for their wheat, which is being sold at Re. 1-8-0 a maund. There is no market, the prices have gone down, and their crop will go to the *bama* to pay the demands of Government and they will remain as poor and resourceless as they were before. And still Government is proud of what they are doing. People here are drawing thousands and thousands of rupees; but, if they were to go to these poor districts, they will simply be disappointed. The conditions there are not worthy of dogs to live in. I ask them, let them increase the rate, but they must spend the money on the relief of these people. This will mean something. Now, Sir, I may tell you something about *abiana*. The incidence of *abiana* is also upon the poor. It is the poorer classes who suffer by this. It has been said that rich people should reduce their rents. But let me ask how many rich people there are who are paying *abiana*. If you were to see the list of the land-holders who pay more than Rs. 500 as land revenue, including irrigated, as well as unirrigated, tracts, it will not be more than Rs. 8,000. You may just imagine that it will touch mostly the poorer zamindars for there are only 8,000 people who pay more than Rs. 500 as *abiana*. But there are thousands of those who are paying small amounts. Some of them are tenants and some are peasant proprietors. Now take the case of the district of Lyallpur, which is the richest district. What is the number of holdings there? Originally the holdings extended to half or one square of land. But it has been reduced

now. The district was irrigated some 30 or 40 years back and three generations have existed after that with the result that the extent of an average holding now is not more than 3 or 4 acres. Now the relief which the honourable mover of the resolution asks for is for the benefit of these people. I ask that if you are unable to give relief to these three thousand people, then give relief to at least those who pay less than Rs. 500 as revenue. If the Government is really honest, it should make a rule that those people who have less than a square of land should get the relief (*Hear, hear*). No civilized Government can tolerate the state of affairs which is going on in districts of Hissar and Muzaffargarh. Are you not ashamed of this? Are you not ashamed that you are getting five thousands when these people are living a dog's life? I ask them to do away with one of the beneficent departments. I ask them to abolish the Department of Agriculture and spend the saving on the relief of the people. This Department has done no good. What is the use of a department spending a crore of rupees when the people are dying? The people are dying, they have not a pie to spend and you are multiplying the Departments. It is not a joke with us. Everybody takes it as a joke. But, when the agitation is going on when the atmosphere is surcharged with agitation, when the people are starving and when they find the burden intolerable and when the people are unable to pay the land revenue we should not take this matter in such a light way. What will the people think when the speeches go to the Press? They will all go to the Congress. I was told by my friend Shahadat Khan, who represents the district with Mian Nur Ullah that all the revenue has been paid. But in what way has it been done? They have had to dispose of their ornaments. They have either mortgaged or they have sold them.

**Rai Bahadur Lala Mohan Lal :** With whom have they mortgaged them?

**Sayad Muhammad Husain :** With you people. It is not a joke. I cannot understand the attitude of these people. On the one hand Mr. Gandhi says that 50 per cent. land revenue should be reduced forthwith and on the other these people laugh at these demands. In these districts the people are in a very great difficulty. They have paid land revenue by disposing of their ornaments or bullocks or by borrowing money. This is the case in a rich district like Lyallpur. Now come to my district. I went to the tahsil of Dipalpur to pay my land revenue. The tahsildar told me that he was sitting idle. Formerly by that time he used to get 40, 50 thousands a day, but now he had not enough to pay his expenses. The people have paid the *rabi* revenue with very great difficulty. Not that they were not willing to pay, not that they are having a no-tax campaign, but they had great difficulty in paying *rabi* revenue because they had no money. The Government kindly extended the date of payment by fifteen days, still they could not pay the demand. Now their lands will be sold and many people will have to go to judicial lock-up and the *abiāna* and revenue of the tahsil of Dipalpur will be realised with great difficulty. The same is the condition I am told by the representative of Multan, in his district. There the people have already mortgaged their lands and they have sold everything to pay the revenue. My friend from Dera Ghazi Khan tells me that *lambardars* are going to lock up for failing to pay land revenue. But inspite of that the land

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revenue of the Montgomery district is going to be enhanced. I do not understand what pretext is there to do so.

**Mr. President :** Order, order, that is not relevant to the question before us.

**Sayad Muhammad Husain :** The Financial Commissioner introduced the element of revenue in his speech. If that was relevant, it should be relevant here also.

**Mr. President :** Order, order, the honourable member should not discuss land revenue in the Montgomery district.

**Sayad Muhammad Husain :** Very well, Sir. I had only to say this much that if they had waited for some years, they would have known if the prices were going to remain as low as that or if they were going to improve. Now, I refer to the speech of the Honourable Member for Revenue, the predecessor of the gallant Captain Sikandar Hyat Khan. He stated that if the prices of cotton were to go below Rs. 5 or Rs. 4 a maund, then the Government will be prepared to reconsider the question of *abiana*. At that time the prices were somewhere about Rs. 8. In my speech I said something which nobody rebutted. I refer to my speech on page 512, because I cannot find the speech of the Honourable Member for Revenue.

**The Honourable Captain Sardar Sikandar Hyat Khan :** But then it is not the speech of the Honourable Revenue Member you are referring to.

**Sayad Muhammad Hussain :** No, because I cannot find it, but I can show the Honourable Member if he likes and moreover, he can say if he does not respect the word of his predecessor "you don't care for it. He stated that if the prices of cotton were to go below Rs. 5, he will reconsider the whole question of *abiana*." There was no probability of the prices of cotton growing below Rs. 5, but now they have gone down even below Rs. 3 or Rs. 4.

**The Honourable Captain Sardar Sikandar Hyat Khan :** Is the honourable member anticipating the future prices or is he quoting the current prices ?

**Sayad Muhammad Husain :** I am quoting the ruling prices. The condition in America is a very good. In India on account of the boycott movement which is going on, no orders are placed. The mills in England have stopped working and they will buy less.

**Dr. Gokul Chand Narang :** 24 mills in Bombay have closed down throwing 170,000 people out of employment.

**Sayad Muhammad Husain :** And also lakhs of people here have to suffer. On account of the Tariff Bill and the increased duty on imports from Japan, Japan will not be able to sell its commodities here in competition with other countries. The result will be Japan will buy less from us. She was one of our greatest customers. In addition to that the area under cotton cultivation has increased. All these causes combined will reduce the price. In the *Statesman* of yesterday you will find that the condition now prevailing in Bombay is stationary and every day there is a fall of 10 or 15 futures in the cotton market.



**The Honourable Captain Sardar Sikandar Hyat Khan :** What is the present price ?

**Sayad Muhammad Husain :** The present price is 15 or 16. The Honourable Member can work it out. I think Sardar Ujjal Singh will be able to give him these figures as he deals with these things. Being a Revenue Member, he ought to know all these things.

**Pandit Nanak Chand :** The honourable member is not speaking from his place.

**Sayad Muhammad Husain :** You people sit here without knowing the condition of the masses.

**Mr. President :** The honourable member will not answer any question. Nor should any question be put, except through the Chair.

**Sayad Muhammad Husain :** Now, Sir, these are our two staple crops, wheat and cotton. Coming now to wheat, the price of wheat when I left my village was Rs. 2-8-0 in market or Rs. 2-0-0 in villages. In the villages it does not work out to more than Rs. 2 and no body pays even this much. People who go to the market with the wheat realise a little less than Rs. 2. With that income he has to meet the land revenue and *abiana*. My friend quoted from a book by Mr. Roberts which is an old book written 5 or 6 years ago. The normal yield in the districts of Gujranwala and Lyallpur does not work out to more than 8 maunds per acre. Leaving out the good land which may yield more, the average yield is not more than 8 maunds per acre under canal-irrigated area. In some places it may be even less than that. Now take away from it *abiana* Rs. 6 and land revenue Rs. 6. Then the local rate or cess is Rs. 2. This comes to Rs. 14, which goes to the Government. Again there are many places in the Nili Bar where 25 or 30 per cent. of the yield is destroyed by rains. My friend, Sardar Ujjal Singh, told me the other day that in his part of the country their crops also were spoiled by rains and they do not fetch the full market value. This is the case in many other places. So the price works out to much less and who knows it may still go down. We do not know what will be the condition 10 or 15 days hence. Just imagine, how a zamindar with half a square of land working for six months has to get on with his family. He puts his seed. He puts his labour. He sinks his capital upon his bullocks and upon everything and he does not realise anything at all. Don't you think the pinch is very severe when the man works through the whole year and does not realise anything? The Government can give him relief by reducing the tax. The tax must always be levied according to the taxable capacity. In these days when all this agitation is afoot, it will be a very wise step on the part of the Government if they could give some relief to these poor people, in the irrigated tracts by reducing the *abiana* and in the unirrigated tracts by means of remission of land revenue and interest charges on taccavi and similar things. It is no good arguing with these people, "It is all for your good. We are giving you education; all this money is being spent on hospitals" and so on. The man does not find even his bread. He is asking for bread and you are giving him stone. What is the good of giving medical aid to a man who is starving? The first aid he wants is bread. Remove these economic troubles, giving him enough bread and then it will be time to think of giving him education and medical aid. It is no good saying to him, "You



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have got to meet expenditure on transferred subjects, you are going to get responsible government—though the Ministers will not be responsible to the House—but you will get some form of responsible government.” There is no use of saying to him all these things. The great argument which the Honourable Financial Commissioner put forward was that this is really not a tax, but it is the price of water that they are charging. But what is the idea of price? In the first place I think it is tax pure and simple and I maintain that the Government is not entitled to take anything more than the maintenance charges and the interest on the capital outlay. I have been putting forward this question year after year and my honourable friend, Sir Henry Craik, has told me that when I die the word ‘*abiana*’ would still linger in my heart. I have been pleading for this from the very beginning and have collected facts and figures. I can say none of these perennial canals is running at a loss. The income on the capital outlay of these canals varies from 20 to 40 per cent. In those days the Lower Chenab Canal was paying as much as 40 per cent. At any rate no perennial canal is paying less than 6 per cent. We borrow money from the Government of India at 6 per cent. and the canals are giving us much more than that and there was no reason to increase the *abiana* rates. If you compare Punjab with Bombay and other places, you will find that the Bombay Government are constructing their canals for the good of their people and they are not realising more than 3 per cent.

**Mr. H. Calvert :** What are the water-rates in Bombay ?

**Sayad Muhammad Husain :** I do not know. I am only giving you instances. Their canals are not paying more than 3 per cent. upon the capital outlay. I can show you the book.

**The Honourable Captain Sardar Sikandar Hyat Khan :** What are your canals paying ?

**Sayad Muhammad Husain :** Between 20 and 40 per cent.

**The Honourable Captain Sardar Sikandar Hyat Khan :** No.

**Sayad Muhammad Husain :** I am speaking subject to correction. At any rate they are paying more than 6 per cent. You cannot find any canal which is paying less than 6 per cent. Now, Sir, history is repeating itself in our case. What happened 50 or 60 years ago at the time of the war between the Northern States and the Southern States of America is happening now. In his famous book, the Economic History of India, Romesh Chander Dutt states that during that war people in America were not engaged in growing cotton and the price of Indian cotton rose abnormally. Unfortunately in those days several districts of the Deccan were assessed at very high rates. What was the result? The result was just the same as here. You assessed Lyallpur when the price of cotton was Rs. 20 per acre, for instance. Now in Bombay they had to revise the land revenue, because its incidence was fixed at a time when the prices were high and those prices have now fallen. All this you will find in Romesh Chander Dutt's book.

We are now confronted with the same conditions in the Punjab. Most of our districts were assessed at a time when the prices of commodities were

very high. I am not now asking the Government to revise the land revenue. That is another quite different thing. I am now talking of *abiana* and it must be reduced. If the Government had a right in enhancing the *abiana* and getting a crore of rupees by one stroke of the pen at that time, cannot they consider now, especially when the Honourable Revenue Member himself had given us the assurance that when the prices of cotton went down to Rs. 4 this question of reducing *abiana* would be considered, whether they can reduce the *abiana* rate? Are the words of the Honourable Revenue Member to have no weight with us and with the Government? Is the Government so cruel in this case where people are unable to pay the land revenue and *abiana*? What will be the result if they will not reduce the *abiana*, I am not going to say being a loyal subject of the Government. The result is evident. You can yourself see it. I can only say there is no use weeping before the blind. With these words I strongly support the resolution of my honourable friend, Mian Nurullah, and ask the Government, rather implore them, to do something to these poor people. Let them not merely put up facts and figures. Let them consider the question in its true perspective, consider it economically, consider it politically, consider it morally and if they consider it in that light I am sure some good will come out.

**Dr. Gokul Chand Narang :** What concession are you going to show to your tenants?

**Sayad Muhammad Husain :** I am very thankful to the honourable member that he has reminded me of that. It has  
5 P.M. been said that the zamindars of the Punjab are not showing the same concessions to their tenants as the zamindars of England. In the first place as I have told you already, there the number of zamindars with small holdings is very small. The whole of England is parcelled out between a few landlords, say 50 or 40.

**Mr. C. A. H. Townsend :** What is your authority for that?

**Sayad Muhammad Husain :** Am I wrong?

**Mr. C. A. H. Townsend :** That is a gross exaggeration.

**Sayad Muhammad Husain :** If I am wrong, I should like to be corrected.

**Mr. C. A. H. Townsend :** I cannot tell you the exact number off hand.

**Dr. Gokul Chand Narang :** It is over 10,000.

**Sayad Muhammad Husain :** At any rate the number of landlords, who possess small holdings, is very small, and they possess land for industrial purposes and not for agricultural purposes. The case of England is not analogous to the Punjab, but that of Ireland is. Sir Louis Dane used to say that Ireland was analogous to the Punjab inasmuch as Ireland was a land of peasant proprietors like the Punjab. In the Punjab with the exception of a few Tiwanas and a few Chiefs (*A voice :* And a few Pirs) the landholders are all peasant proprietors who till their land with their own hands. As regards the few of those who own large areas of land, surely they ought to do something for the relief of these people. In my own case I am prepared to do anything you like on the condition that you give the relief. In my own case we divide the income half and half, so that any increase or any

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decrease is shared by both equally. There are cases in which landholders take one-fourth. Any relief given by Government will go to those tenants. If Government is not satisfied, let it send any men they like to ascertain the truth of my statement. It is no use saying that the landlords are robbing. We are not getting anything. This time I had to pay land revenue more than my income. A very trustworthy zamindar of Jullundur told me that from the 20 squares his income was Rs. 4,600 and the revenue was Rs. 4,500. What relief then can you expect from him? What will he do? Will he give the Rs. 100 to the patwaris or to any one else? The income of big zamindars has dwindled down from thousands to hundreds, and now they find it difficult to make both ends meet. Those of the zamindars who have no subsidiary income are starving. They have become poor and are involved seriously in debt. The zamindars who are free from debt can be counted on the tips of one's fingers. The Honourable Financial Commissioner will bear me out that so many applications are made by zamindars for courts of wards for political services rendered by them. They have become poor, may be on account of their recklessness, but the fact remains that it is very difficult to lower the standard of one's living. If a European were called upon to lower his standard and live like a poor Indian who lives on a few grams he will find it very difficult to do so.

**Mr. President :** I thought that the honourable member had finished his speech, but he seems to have started it over again.

**Sayad Muhammad Husain :** Ask the tenants what they themselves want. You will find that they are prepared to keep us as their co-partners, rather than do away with us. With these few words I strongly support the resolution and urge upon Government to give it a very sympathetic consideration.

**Mr. H. F. Ashton (Chief Engineer) :** Sir, I wish to deal as briefly as I can with a few of the details which the honourable mover of this resolution put forward. I am afraid that I will have to quote a certain number of figures. The honourable member who spoke last apparently dislikes figures because he has asked us not to quote figures. They are difficult things to meet because they represent hard facts, facts that cannot be very well got round. However, I will try and quote as few figures as possible.

Among the causes of the present depression of zamindars the honourable mover of the resolution mentioned failure of crops. While there have been failures of crops during the last few years, special remissions have been given for these failures. The amounts of those remissions will be quoted later. Secondly, the honourable member started his speech by saying or said at the beginning of his speech that he would deal specially with the Lyallpur district, the Lower Chenab Canal. Another of the causes he mentioned was floods. As far as I know there was practically no damage by floods last year on the Lower Chenab Canal. There was heavy damage on the Lower Jhelum Canal, a certain amount of damage on the Upper Chenab Canal, heavy damage in Muzaffargarh and heavy damage in Dera Ghazi Khan by hill torrents, but so far as I know there was little or no flood damage on the Lower Chenab Canal. Another cause was an increase in the area colonised and a decrease in water supply. In the case

of any channel in colony land, that is in crown waste-land, the method is to work out your *chaks*, that is the areas each water-course is designed to irrigate, then you take the gross areas, from that you deduct the uncommanded areas and so obtain the gross commanded areas. From that you deduct a certain percentage for unculturable area. Again you deduct the area laid down by the Colonization Officer for *chiragah* and you eventually get what we call the "culturable commanded area." From the very beginning water supply is allowed to the whole of that "culturable commanded area" and it remains for the Colonisation Officer to allot and colonise the land. It frequently happens, in fact it happens, one may say, in every village in crown waste lands, that the whole area, the culturable commanded area, is not allotted to start with. If there are 80 squares of such land, only 20 may be allotted at the beginning. The remaining-10 will be gradually allotted as colonists increase. That may take 20 years or may take 25 years. The result is that the men who took 20 squares get the water supply for 80 till the other squares are allotted. Naturally they consider that their water supply is reduced. It has not been reduced below the designed supply; they have been using water to which they have not been entitled. In exactly the same way some of the *baqia* lands are affecting water supply. All that *baqia* land has been provided for in the design of the channel. It has now been sold and the water has been allotted from the supply which already exists for this land.

The honourable mover of the resolution said that the Lower Chenab Canal had been paying up to 47 per cent. on the capital outlay and suggested that the rate of *abiana* should be such that only a reasonable percentage should be obtained. The honourable member is quite right. Figures show that the Lower Chenab Canal has been paying up to 40 to 45 per cent., but this resolution is about *abiana* and *abiana* alone, and we must therefore turn to only *abiana* figures. Taking direct receipts only, that is, from water rates, in 1928-29, the *abiana* receipts were practically a crore of rupees. The indirect receipts were also Rs. 99,67,000. The actual percentage of capital outlay of the Lower Chenab Canal (direct receipts) only was 12.88—not very far wrong from what the honourable mover considered a reasonable percentage of 10. But you cannot take the Lower Chenab Canal alone. You must take it in conjunction with the remaining four canals. The honourable member from Montgomery mentioned the Lower Bari Doab Canal. Now, in order to supply water to the Lower Bari Doab Canal the Upper Chenab Canal had to be made. In order to supply water to the Lower Chenab Canal which would have been taken out from the Upper Chenab, the Upper Jhelum had to be made. That again would affect the Lower Jhelum. You must take the five canals together. And if you take the five canals, at the present rates of *abiana* the percentage on capital cost of those five canals of *abiana* alone is 2.92. The honourable member who moved the resolution said that he considered a percentage of 5, 6 or 10 reasonable. The actual in 1928-29 was only 2.92. Surely that cannot be considered too much.

If the *abiana* was reduced by 25 per cent. on these five canals, three of which, the Lower Bari Doab, the Lower Chenab and the Lower Jhelum, are always looked upon as very highly paying canals, there will be an actual loss on these five canals of nearly 3 lakhs of rupees a year, or .15 per cent. on the capital cost.

[ Mr. H. F. Ashton.]

Again, the honourable member who moved the resolution said that the *kharaba* rules were inadequate and he quoted one rule. I am afraid I have not got the book here, but I think the rule is that if the failure is so complete that only the cost of seeds can be obtained, *kharaba* should be given. The whole rule is based on the fact that the crop must be destroyed or have suffered complete failure. No remission can be given under this rule unless the crop has actually failed or has been destroyed. There is nothing in that rule about the value of the crop.

Another point was about re-modelling. I explained in this House last March that re-modelling does not in every case mean a reduction of water-supply at the head of the channel. In fact, in every few cases does it mean reduction of water-supply at the head of the channel. It is called re-modelling, but it is really re-adjustment of outlets to give better divided supply or rather a more equitable supply. It is not correct to say that re-modelling in all cases means reduction of supply of water.

The honourable member for Montgomery waxed rather warm about the condition of Hissar and Muzaffargarh districts. Now, so far as *abiana* in Hissar district is concerned, I would say that not all of Hissar district is under irrigation as in the case of Lyallpur and some other districts, and where irrigation is supplied, it is only supplied to 30 per cent. of the area commanded. Again, the honourable member quoted the rate of seven pice a day. He did not quote at the same time that that was paid on famine relief works. He also wanted to know what the Government was doing about Muzaffargarh. Surely he had not forgotten that that was stated fully in this House at the beginning of 1928 on his own resolution. A glance at the budget statement will show the amounts which have been allowed for re-modelling of canals in the Muzaffargarh district and all that expenditure on those canals is being incurred in that district. The people of that district are working on those canals and are receiving all that money.

Finally, the honourable member for Montgomery mentioned the Lower Bari Doab Canal and the condition of affairs there and how *abiana* was affecting the people. I have already given you figures for the two canals. I will now give you the figures for the Lower Bari Doab and the Upper Chenab Canals, because without the Upper Chenab Canal you could not possibly have the Lower Bari Doab Canal. The net revenue, that is the net profit—the net receipts *minus* the working expenses and *minus* simple interest—the net profit on the Upper Bari Doab Canal in 1928-29 was 17 lakhs. On the Upper Chenab the net loss was 12 lakhs. The net profit on these two canals, taking direct receipts alone, was only 5 lakhs. The capital cost of the Upper Bari Doab is 2,28 lakhs and the capital cost of the Upper Chenab Canal is 4,01 lakhs. The total capital cost is 6,24 lakhs, on which the net profit for 1928-29 was 5 lakhs or less than one per cent. Surely, that is a reasonable interest to take.

Again, the honourable member for Montgomery said that he considered *abiana* was a tax and not a commercial item. I think it will not take more than about five minutes to show that *abiana* is not a tax. If it was a tax, why is it not assessed on the people of Hoshiarpur and Jullundur? Surely because they do not use water. The waters of the rivers of the Punjab are

the property of the people of the Punjab. (*Hear, hear*). They are just as much the property of the people of Rawalpindi, Kangra, Simla and so on, as they are of the people of Lyallpur and Montgomery. Government uses that water as an asset of the province and on behalf of the people. It would be wrong for Government not to use that water to the best of its ability to the good of the whole province, and if it was not so used, the people of Jullundur, Hoshiarpur, Kangra, Pindi and Minwali would have a perfect right to come and ask Government, "Why are you using it in that way?" If canal water is used in certain districts very greatly to the benefit of those districts, surely the districts in which it is not used have a right to demand equal benefit from the use of the water, that is, they have a right to require that the profits made on that water in those districts by the people using it should be so great as to give them equal relief. You cannot possibly contend at least in my opinion I do not think it can possibly be contended for five minutes that *abiana* is a tax and not a commercial item. (*Cheers*).

**Sardar Sahib Sardar Ujjal Singh** (Sikh, Urban): Sir, I give my whole-hearted support to the mover of the resolution. I believe, in doing so, I am not open to the charge to which Mr. Calvert referred and to which other honourable members may be open who represent the rural constituencies. I support the resolution because I am in a position to feel the pinch and to realise the distress to which the zamindars are subjected to on account of this heavy slump in prices. I do not come from that tract in the province from which the honourable mover of the resolution comes. That tract undoubtedly is the richest and probably the most flourishing part of the province. Hence the picture that he drew up does not represent the distress to which the zamindars of other parts of the province are put to. In his part of the country the zamindars might be able to make Rs. 800 a square. But I can assure you that in other parts of the province this figure represents an abnormal condition of extraordinarily good land. As a matter of fact, on inferior lands, on arid lands, the zamindar instead of making any profit under the existing prices is not able to make both ends meet. Whatever the causes of this abnormal fall in prices may be, to whatever cause we may attribute this fall, to the lack of purchasing power in the country or to over production which is a necessary result of improvements in the methods of cultivation, the fact remains that a zamindar under the existing prices is not able to make both ends meet. The average yield on an inferior land, of which I have greater experience than probably any honourable member of this House, is not more than 7 or 8 maunds of wheat per acre, and in some cases it is as low as 2 or 3 maunds; whereas the average yield of *kapas* is not more than 3 or 4 maunds. Now, with these yields and prices at about Rs. 2-4-0 for wheat and about Rs. 4 for *kapas*, the total gross return to a zamindar would be Rs. 16 or Rs. 17 in the case of wheat per acre and about just the same figure from an acre of *kapas*. (*Mr. Calvert*: What about *barani*?) I am just coming to that. With Rs. 16 or Rs. 17 as the total return from an acre how is it possible for him to meet land revenue and water charges after meeting the expenses of cultivation?

(*At this stage Mr. President left the chair and it was occupied by Deputy President.*)

[S. S. Sardar Ujjal Singh]

The question of expenses of cultivation brings me to the question to which Mr. Calvert referred and to which other honourable members have also referred. I mean the question of self-cultivating land-owners and the question of tenants. Sir, with the existing low level of prices, the distress to the self-cultivating land-owner is certainly greater than to the zamindar who shares his produce with the tenant when it is remembered that the expenses of cultivation even at the lowest calculation come to about Rs. 22 per acre. The figure worked out by the Agricultural department varies from Rs. 22 to about Rs. 25. If a self-cultivating land-owner has to incur Rs. 22 to Rs. 25 on an acre of land and his gross produce amounts only to about Rs. 17, how will he be able to meet the land revenue and water charges. Coming to the tenants, undoubtedly, they generally take half share in kind. That is the general rule, but in poorer lands they take a little more. Water rates and land revenue charges are equally shared by the tenants. Any increase in water rate equally touches the tenant and any decrease in water rate gives an equal relief to the tenant. But there is another thing to note. The tenants with high prices of commodities have been so far content with half a share which they have been receiving up till now, because with high prices of commodities they could meet their expenses or at least make a living wage. But with the existing level of prices it is impossible for tenants to remain content with a half share. They will now certainly demand more. Not only that. The political consciousness to which they are now awakened, will not allow them to remain content with a starving wage which they were getting before. With this heavy fall in prices, the share of the zamindar is bound to be considerably reduced and the tenant will certainly demand a much higher share than the share which he is receiving now. It is sometimes said that these prices are only a temporary phase and that if zamindars want the Government to reduce water rates or land revenue in accordance with the rise or fall in prices they would be put to greater trouble in the long run. As a matter of fact this fall in prices is not a temporary phase. Prices have been falling since 1923, 1924 and there has been a steady fall. The tendency has been for prices to establish themselves at pre-war level. But this year, wheat prices have been so low that within the living memory of some of us here they were never lower. The tendency for prices of cotton has been to go down steadily. In America there has been a bumper cotton crop for the last many years. With their scientific attempts to deal with the boll weevil and to combat other diseases it has been possible for Americans to produce as big a crop as 15, 16 or even 18 millions of bales. At the same time in India too we have a steadily increasing production in cotton. On the other hand there has been a shortage of consumption and now the trade depression with which this country is faced has been a phenomenon for the last three years. That depression has grown acute in these days and it is not likely that it will end in a year or two. So the prices that now range are likely to remain if not to go down still. Cotton prices for Broach April-May 1931 crop at present are about Rs. 210 per candy. One or two months back the Cotton Association at Bombay tried to fix the price of Broach at Rs. 250. But there was such a heavy pressure at cotton sales that they had to give up that restriction, and all of a sudden cotton prices fell by Rs. 40 a candy. With this price for



April-May, that is the next crop, we will not be able to get more than Rs. 19 or Rs. 20 for American cotton and about Rs. 11 or 12 for desi which would represent a price of about Rs. 5 for desi *kapas* and roughly about Rs. 8 for American *kapas*. With all the expression of sympathy by Government with the zamindars, their attitude with regard to those who own inferior lands, of late, has not been sympathetic. On the Lower Bari Doab Canal up till last year half *kharaba* system was in vogue. In case of those fields which gave a yield of less than 5 maunds of wheat per acre and less than 2½ maunds of *kapas* per acre half remission was allowed. In spite of the fact that prices have gone down, in spite of the fact that even last year the prices were low, the Government thought it advisable to abandon that system. Now, what is the result? The result is that the zamindar producing one and-a-quarter maunds of *kapas* valued at about Rs. 4 a maund will have to pay Rs. 6-8-0 for water rate and an additional sum for land revenue. Thus his whole produce represents half the water rates and land charges. He is not able to make anything for his seed and for the labour that he has put in. In fact he will have to suffer a loss of at least Rs. 24 or 25 an acre if cost of cultivation is taken into consideration. I do not understand the reason for giving up that rule relating to *kharaba*. The ordinary rule, although the Chief Engineer has interpreted it in his own way, is that where a zamindar is not able to meet his cultivating expenses and the cost of the seed, the zamindar ought to be given the remission. At the prevailing prices, a zamindar is hardly able to meet the expenses of cultivation and the cost of seed from the yield which he can get from an average land. At any rate the relief that was used to be given to inferior lands and to other lands on the Lower Bari Doab Canal should continue to be given and there is no reason for disallowing that protection which the zamindars could get under the *kharaba* rules up till last year. It is rather a curious thing that when cases are referred to the Superintending Engineers, cases which touch the pockets of zamindars, they rather hesitate to interfere. A clear case was made out but the Executive Engineer would not allow *kharaba* for a large number of fields. I wrote to the Superintending Engineer: Here is a standing crop; I leave it to you to reap it, to gather it and see if the yield is 2 maunds per acre. If it is found less than that, *kharaba* may be allowed, but if it is found to yield more, no remission need be allowed. That clear application was refused on the ground that the Superintending Engineer did not see any reason for interfering with the orders of the Executive Engineer. If that is the kind of authority to which zamindars have to appeal, the earlier it is ended the better. The Superintending Engineer has so far been nothing more than a clearing office or a post office and a zamindar has not been able to get any relief at his hands from the unjust orders of Executive Engineers. It has been suggested by Mr. Calvert that the Simon Commission very pertinently pointed out that provincial autonomy would fail because of the inability of the people to tax themselves or to bear the legitimate financial burden. I admit it. I think the Commissioners are perfectly right in their surmise. If this top heavy and the most expensive system of administration is to continue, then certainly the people will not be able to bear the financial burden. Is there any country in the world where the superior services are paid so high as in this country? The first thing that an autonomous province will do, will be to reduce the high salaries at the top and bring them to the



[S. S. Sardar Ujjal Singh.]

level that obtains in any advanced, self-governing country in the world. It is undoubtedly true that people are unable to bear any further financial burden, and if that be the case, the best thing would be to cut down the expenses.

It was probably the honourable member, Mr. Ashton who said that water rates did not represent any tax and that they were a commercial charge for the supply of water. I admit it. But may I know if prices had nothing to do with the determination of this commercial charge? When the canals were constructed, a certain rate was fixed, I do not know on what basis, and in 1924 that rate was raised. Why was it raised? The only reason for raising the rate was that prices had gone up and that zamindars were making more money. If that was the reason for the rise, surely on that consideration the rates should be reduced now when the prices are abnormally low. The argument of a rise in prices was one of the main arguments which were advanced by the Honourable Sir John Maynard in 1924 when water rate was enhanced.

Then, Sir, another argument is put forward that the Government charged no higher rates when the prices were high. There is no reason why they should charge lower rates when the prices have gone down. This is undoubtedly true that when the prices were high, rates were not raised. The fact was that the prices during the War and a few subsequent years did not represent normal condition and the Government thought that those prices will not continue for a long period. But when in 1924 they thought that prices have been stabilised they at once took advantage of the then prevailing high prices and enhanced water rate but the position is reversed now. The prices have fallen to a disastrous level.

*(At this stage Mr. President resumed the chair).*

Sir, then another argument which is advanced every time on this question is about the *barani* tracts or about the comparison of water rates with the rates for raising water from a well. In the first place there is no reason why in saving one poor man you ought to oppress another in an equally bad if not worse condition. There is no reason why if relief is needed in one quarter you are necessarily to place burden on another type of people who are not able to bear them. If relief is given and the Government has got to make up what it will lose it should explore other avenues. Then if you speak about comparing the rate from raising water from wells there is absolutely no comparison. Canals have been introduced mainly in those parts of the country which were Government waste lands. The Government by fixing a certain reasonable charge for water supply made it possible to sell their land at exceptionally high price. Now, if water rates had been fixed at the cost of raising water from wells, it is most certain that the prices that Government got by sale of land, it would not have got. The loss accrued by those sales to Government would have been much greater than any accumulated profits by the raising of water rates. Now, Sir, this brings me to another question. Some of the land has been sold by auction at a particular price to a commercial person or a zamindar. He has invested a particular sum. He spent about 25 thousand a square or sometimes 35 thousand a square. He calculated his profits on the prevailing

water rates and other factors. Other factors are no doubt beyond his control. If the prices go down he has got to suffer, but this particular factor, the question of water rate rests entirely with the Government. If farmers selling land at a very high price, Government comes forward and says, "We now propose to raise the water rate." Now what has that poor man got to do. He has invested his money. He thought that he would get a particular percentage of return from his investment. But now the Government raised the water rate and his return from that investment is reduced and in cases comes to less than one per cent. Practically all the profits that zamindars did make during the War and a few years after the War were absorbed by investment in land at high prices.

There is another point to be remembered. In the thickly populated *chahi* districts like Jullundur the holdings are small. A cultivator holding a small area of 5 or 10 acres would keep one pair of bullocks for cultivation as well as for raising water in spare hours. So, to such a zamindar the raising of water from wells does not cost any additional sum over and above the cost of maintaining a better type of bullocks than he would have otherwise done. So the comparison of the cost of raising water from wells with canal rates has no bearing on the motion.

Mr. Calvert referred to the demand of the zamindars for a long period of assessment and said that on the one hand the zamindars are after permanent settlement or longer period of settlement and on the other they come forward, when the prices are low, for reduction of water rates or land revenue. May I know whether there has been any occasion when the land revenue was reduced?

**Mr. Calvert:** The honourable member asks for cases. As far as my memory helps me it was reduced in Rohtak, Montgomery and I think also in Hissar.

**Sardar Sahib Sardar Ujjal Singh:** That must be the exception which only proves the rule. Ordinarily what a zamindar does understand by the settlement is the increase of land revenue that generally follows.

**Dr. Gokul Chand, Narang:** That shows prosperity.

**Sardar Sahib Sardar Ujjal Singh:** Whatever it may show, it does show that land revenue has been increased. That is no argumnet at all. It cannot help zamindars one way or the other. The only thing that a zamindar does insist upon is that when relief is needed and you realise that there is need for a relief, the Government should come forward and give relief to zamindars. It is for the Government to see whether there is such a case and if there is a reasonable case no arguments of the sufficient return of capital invested in canals or other arguments of a similar nature should be put forward, in giving relief where the relief is needed. No one in this House can doubt that in these days, leaving alone political consequences, the economic distress of the zamindars is so great that inspite of their conservatism, inspite of the fact that they are out of political influence, if no relief is given, it is bound to lead them to conditions which will not be to the best interest of the country and to the Government.

**Mr. C. A. Townsend (Financial Commissioner):** I have only got a few remarks to make. In the first place I wish to refer to a few statements that fell from

[ Mr. C. A. H. Townsend ]

my honourable friend Pir Muhammad Husain : I prefer to call them gross misstatements, terminological inexactitudes. He said that in England there were no small holdings and that there were only a few large landlords who own all the land. Figures, my honourable friend, Mr. Calvert has given me show that a few years ago there were 420,000 land owners in England and Wales, of whom 66 per cent. owned less than 50 acres. He also mentioned the canals in Bombay. It may interest the House to know that when the Royal Commission on Agriculture visited that Presidency, they found that the *abians* on sugarcane on Bombay Canals was Rs. 45 an acre. I only mention this to show that the comparison is in our favour. More serious was the accusation that my honourable friend from Montgomery levelled against our administration of the Hissar district, a district with which I was intimately connected for over 9 years. He said, I understand, that the people there have been paying their land revenue by selling their ornaments, their buffaloes and by borrowing. I am horrified to hear that I do not contradict him but I should be grateful if he will give me full particulars of any such cases, and I assure him that I will go into such cases with the utmost care. There is nobody for whom I have a greater sympathy in the province than the people of Hissar. When I was there I was responsible for reducing their revenue demand in some assessment circles. Then he said that many headmen of the Dera Ghazi Khan district were in the lock-up for non-payment of their land revenue. The district I know last year suffered severe damage from hill torrents, but I understand recently it has fared better. I will, however, be very glad to discuss the matter with the Pir Sahib, and to see whether any action on the part of Government is necessary in the matter of these headmen.

To return again for a minute to Hissar, it is quite impossible to compare the conditions of irrigation in that district with those of Lyallpur. In Hissar irrigation is perhaps one-sixth or one-seventh of the total area and not 100 per cent. as in Lyallpur. Canal water is extremely scarce in the former district and the idea of Paradise that most of the people of *barani* villages there have is by hook or crook to get some canal water ; they do not mind what rates they will have to pay. Our friend from Montgomery said that we had neglected Hissar. But in the last two years the local officers encouraged by Government, have done a great deal to make the people sink more wells in the few tracts in that district and in the neighbouring districts of Rohtak and Gurgaon that are suitable for well sinking. I visited both Hissar and Gurgaon the other day. Doubtless Pir Muhammad Husain has also done so. He brought a charge against Government of paying only 7 pice a day to the people on the scarcity works in Hissar. That wage was carefully worked out in accordance with the rules, with due regard to the current prices of grain. I went to more than one of the scar city works and I found that all the people there apparently happy. I saw none who showed the least sign of emaciation. A deputation of prominent gentlemen of Gurgaon, Hindus and Muslims, came to see me when I was there, and asked me to convey to Government their thanks for the help that Government had given to their district in helping it to tide over the severe crisis that it has recently undergone.

My honourable friend from Mian Channu suggested very definitely that the present fall in prices was not temporary but permanent. He may be right or he may be wrong. I wish to say just a word or two on cotton. I can assure honourable members that I have been as much disturbed by the present fall in the price of that article as any zamindar member of the House. I watch the matter very closely and, like, I think, all Government Members, I feel the utmost sympathy with the peasants of this province in this matter. The recent fall in the price of cotton is, as the House knows, very largely due to world causes. There has been over-production in the world. The whole world is at present suffering from a very marked depression of trade, which causes fewer people to buy manufactured cotton than would otherwise be the case.

But, Sir, serious though the fall in the prices of cotton in India is, it would undoubtedly not have been so serious, had it not been for the agitation started by Mr. Gandhi. The price of cotton in the world is, as the House knows, generally regulated by that of "middling American" cotton, a variety of cotton of which a greater amount is produced in the world than of any other variety. Last week I discussed the matter of the price of cotton in Bombay with a gentleman in Simla who knows a very great deal on the subject: he said that the prices of Broach cotton in Bombay is at present Rs. 80 per candy less than it should be *vis-a-vis*, middling American, and that this is entirely due to the agitation in Bombay. The market in Bombay, Sir, is, as this House knows, the most important cotton market, for the Punjab, as Karachi is our most important wheat market. But the cotton market in Bombay was closed for 13 out of 26 working days in May owing to hartals for various reasons. These closures are hardly calculated to encourage purchase of cotton. Again, it is common knowledge that many mills in Bombay are now closing down. They cannot sell their manufactured cotton, owing very largely to the political agitation in Bombay. There is naturally a drop in the prices of cotton. It may be said that this is not the wish of Mr. Gandhi and his followers. But I recently extracted from the *Time of India* dated 5th July a report of a speech delivered by Mr. Vallabhai Patel which appears to be accurate. The quotation is in inverted commas, and runs as follows:—

"Some people in Bombay tell me that owing to the Satyagraha movement trade and industry in Bombay has almost broken down. I tell you plainly that I feel no regret on this account. If Bombay is a blaze from one end to the other or if it is absolutely merged into the sea, or if it is destroyed in any other way, then I for one would be glad because up to now Bombay has sucked the blood of the poor agriculturists of India."

Incidentally, most of the trade in Bombay is in the hands of Indian gentlemen. I have read this quotation to try to bring home to the zamindars of this province, who have hitherto, with extreme good sense, stood aloof from the present political disturbances that are affecting their welfare, so much that the more they can do to bring them to a speedy end, the greater will they benefit.

**Shaikh Faiz Muhammad:** I beg to move—

"That the question be now put."

The motion was lost.

The Council then adjourned till 11 A.M. on Wednesday, the 23rd July 1930.

PRINTED BY  
THE SUPERINTENDENT, GOVERNMENT PRINTING, PUNJAB.  
56 PLC-600-18-8-30-SGPP Lahore.

## PUNJAB LEGISLATIVE COUNCIL.

5TH SESSION OF THE 8RD PUNJAB LEGISLATIVE COUNCIL.

*Wednesday, the 23rd July, 1930.*

THE Council met at the Assembly Chamber, Simla, at 11 A.M. of the clock. Mr. President in the Chair.

### STARRED QUESTIONS AND ANSWERS.

ALLEGATIONS BY BAR UNION AGAINST AN HONORARY MAGISTRATE, AMRITSAR.

**\*2993. Pandit Nanak Chand :** Will the Honourable the Finance Member be pleased to state—

- (a) whether it is a fact that about a year ago the Bar Union, Amritsar, passed a number of resolutions drawing attention of the authorities to various acts of oppression, corruption and misuse of judicial powers on the part of a certain honorary magistrate, and copies of these resolutions were submitted to Government, the High Court, the Commissioner, Lahore Division, and the Deputy Commissioner, Amritsar ;
- (b) whether it is a fact that in June and July 1929, the Deputy Commissioner, Amritsar, held an enquiry into some of the allegations made by the Bar Union and examined on oath several members of the Bar belonging to all communities and received written statements from some others, besides affidavits from litigants ;
- (c) whether it is a fact that in the course of this enquiry a written application was made on behalf of the Bar Union to the Deputy Commissioner stating that a large number of persons from whom money had been actually extorted by the aforesaid Honorary Magistrate in the discharge of his judicial duties were prepared to furnish direct proof of acts of bribery and extortion in case 'amnesty' was granted to them ;
- (d) if so, what orders have been passed on the application and what is the cause of this long delay ?

**The Honourable Sir Henry Craik :** (a), (b) & (c) Yes.

(d) Government was unable to accept the suggestion that an amnesty should be proclaimed in order to obtain further evidence of corruption against this honorary magistrate. Such a course is most unusual in enquiries relating to charge of corruption and would tend to encourage the production of false evidence. There was no delay in coming to this conclusion.

## BUILDING GRANTS TO ANGLO-VERNAICULAR SCHOOLS.

**\*2994. Mr. Din Muhammad :** Will the Honourable Minister for Education please state—

- (a) what total amount of building grant to privately managed Anglo-Vernacular Schools has been paid during the time of the present Ministry ;  
 (b) how much of it has been given to schools under Hindu, Sikh and Muslim managements, respectively ?

**The Honourable Mr. Manohar Lal :** (a) Rs. 2,90,612.

- (b) (i) Hindus, Rs. 1,77,499.  
 (ii) Sikhs, Rs. 49,502.  
 (iii) Muslims, Rs. 57,162.

**Lala Kesho Ram Sekhri :** On what principles are these grants given ?

**The Honourable Mr. Manohar Lal :** When an application is made for building and it has been duly approved by the Director of Public Instruction, a maximum of half of what is spent by the managing body is given by Government by way of grant.

**Lala Kesho Ram Sekhri :** Has any application made by a Muslim management been refused ?

**The Honourable Mr. Manohar Lal :** It is difficult to speak from memory, but so far as I remember, very few applications for buildings that have been approved previously are ever refused.

## GRANT-IN-AID TO ANGLO-VERNAICULAR SCHOOLS UNDER MUSLIM MANAGEMENT.

**\*2995. Mr. Din Muhammad :** Will the Honourable Minister for Education please state—

- (a) what percentage of the total grant-in-aid was paid to 'Anglo-Vernacular Schools under Muslim management in 1926 ;  
 (b) what percentage has been paid in each year after January 1927 ?

**The Honourable Mr. Manohar Lal :** A copy of the statement of Grants sanctioned for Aided Indian Schools, from 1924-25 to 1928-29, is placed on the table.<sup>1</sup> The statement giving the further information for 1929-30 will be furnished as soon as it is available.

## GRANTS TO A. V. SCHOOLS AND SIR GEORGE ANDERSON'S LEAVE.

**\*2996. Mr. Din Muhammad :** Will the Honourable Minister for Education please state—

- (a) when Sir George Anderson went on leave in 1928-29 and 1929-30 ;  
 (b) when the special grants to Anglo-Vernacular Schools were paid in the years 1928-30 ?

**The Honourable Mr. Manohar Lal :** (a) (i) 1st January, 1928 to 22nd July, 1928. Leave out of India.

- (ii) 23rd July, 1928, to 11th October, 1928. On deputation in England.  
 (iii) 1st March, 1929 to 31st October, 1930. Leave out of India.

<sup>1</sup>Kept in the Library.

(b) 1928-29. During the period 28th February, 1929 to 23rd March, 1929.

1929-30. During the period 6th to 21st March, 1930.

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EDUCATIONAL FACILITIES TO BACKWARD AREAS AND COMMUNITIES.

**\*2997. Mr. Din Muhammad :** Will the Honourable Minister for Education please state the action taken by the Ministry of Education on C.M. No. 18070-G., dated 6th November, 1923, issued by the Punjab Government for the encouragement of backward communities and backward areas since 1927 ?

**The Honourable Mr. Manohar Lal :** It is not possible to condense within the scope of an ordinary answer all that has been done in pursuance of the policy indicated in the said C. M. No. 18070-G., of November 1923. In the main, high schools have been provincialised in such areas, and as funds have permitted facilities for collegiate education have been secured for these areas. The application of the rules of fee concessions have worked in the same direction. Grants for Anglo-vernacular and secondary schools, within the rules laid down in the Punjab Education Code, have also always had this bias.

For further information from year to year, the honourable member is referred to the Annual Reports on the Progress of Education.

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DISMISSAL AND RE-APPOINTMENT OF L. DWARKA NATH.

**\*2998. Mr. Din Muhammad :** Will the Honourable Minister for Education please state—

- (a) whether one L. Dwarka Nath was dismissed from the service of municipal committee, Beri ; if so, why.
- (b) whether he has been appointed as an A. D. I. in the Jullundur division in the special grade of Rs. 110—130 ;
- (c) the reasons why he has been taken in this special grade of Government service after his dismissal from the committee ?

**The Honourable Mr. Manohar Lal :** (a) Government is not aware that L. Dwarka Nath was dismissed by the municipal committee, Beri, enquiries are, however, being instituted.

(b) Yes in the grade of Rs. 110—5—135.

(c) Does not arise.

**Mr. Din Muhammad :** If it is found that he was dismissed from the committee, will he be removed from the Government service ?

**The Honourable Mr. Manohar Lal :** We shall have to proceed according to the normal rules. It is not possible for me to say what steps it might be necessary to take if it is found that he was dismissed.



L. RANG BEHARI LAL, REGISTRAR, DEPARTMENTAL EXAMINATIONS.

\*2999. Mr. Din Muhammad: Will the Honourable Minister for Education please state—

- (a) the year when the post of Registrar, Departmental Examinations, was created;
- (b) the number of years for which the post has been held by Muslim and non-Muslim officers of the department, respectively;
- (c) the special qualifications, if any, possessed by L. Rang Behari Lal, on account of which he has been transferred from the post of Reporter on Books to the post of Registrar, Departmental Examinations in the Director of Public Instruction's office;
- (d) the reason, if any, for not considering the claims of better qualified Muslim officers, who are senior to L. Rang Behari Lal?

The Honourable Mr. Manohar Lal: (a) 1920.

(b) (i) By Muslims—two months and two days.

(ii) By non-Muslims—nine years, seven months and twenty-three days.

(c) and (d) The honourable member is referred to the reply to Council question No. 2750,<sup>1</sup> asked at the November session of the Council.

L. SHAM CHAND, REPORTER ON BOOKS.

\*3000. Mr. Din Muhammad: Will the Honourable Minister for Education please state—

- (a) whether a Reporter on Books is expected to review books in the Urdu, Persian and Arabic languages;
- (b) what qualifications in these languages are possessed by L. Sham Chand, the present Reporter on Books;
- (c) what were the reasons that this gentleman was given preference over other educationists who hold better literary and educational qualifications in the above-mentioned subjects?

The Honourable Mr. Manohar Lal: (a) Yes, also Punjabi, Hindi and Sanskrit.

(b) L. Sham Chand is a B. Sc., S. A.-V.

(c) It is not in the public interest to discuss individual appointments which are made on a consideration of a number of factors, but if the honourable member will refer to the cadre of the Punjab Educational Service, he will see that most of the officers above L. Sham Chand hold substantive appointments either as Inspectors of Schools, Deputy Inspectors, Principals of Intermediate Colleges, or senior Lecturers in the Government College, Lahore, and could not be with advantage to them shifted to this post.

Mr. Din Muhammad: What are his qualifications in Persian and Arabic?

<sup>1</sup>Vol. XIV, pages 711-712.

**The Honourable Mr. Manohar Lal :** I do not know that he has any particular qualification in Arabic. He has, I suppose, just an ordinary knowledge of Persian. The Reporter on Books has to review or to consider in a general way books in Urdu, Persian, Arabic, Hindi, Punjabi and Sanskrit; and also in English.

REPORTER ON BOOKS.

**\*3001. Mr. Din Muhammad :** Will the Honourable Minister for Education please state—

- (a) the year when the post of Reporter on Books was created ;
- (b) the number of years for which the post has been held by Muslim and non-Muslim officers, respectively ?

**The Honourable Mr. Manohar Lal :** (a) 1st April, 1904.

(b) (i) Number of years the post has been held by Muslims—4 years and 25 days.

(ii) Number of years the post has been held by non-Muslims—21 years, 10 months and 10 days.

PUNISHMENT, DISMISSAL AND RE-APPOINTMENT OF MUSLIM AND NON-MUSLIM OFFICERS UNDER LOCAL BOARDS AND GOVERNMENT IN THE EDUCATION DEPARTMENT.

**\*3002. Mr. Din Muhammad :** Will the Honourable Minister for Education please state—

- (a) the total number of Muslim officers that have been punished by reduction in pay or status or by transfer from the inspection line to the teaching line or by dismissal since January, 1927 ;
- (b) the number of non-Muslim officers that have been similarly punished since January, 1927 ;
- (c) the number of non-Muslim officers dismissed from the service of local boards for misbehaviour but subsequently appointed to responsible posts in the Education Department during the same period ;
- (d) the number of Muslim officers similarly dismissed but subsequently appointed to responsible posts in the Education Department ?

**The Honourable Mr. Manohar Lal :** The requisite information is being collected and will be supplied to the honourable member when ready.

NUMBERDARS OF LYALLPUR DISTRICT.

**\*3003. Mian Nurullah :** Will the Honourable Member for Revenue be pleased to state—

- (a) whether it has come to the notice of the Government that numberdars possessing squares on horse-breeding conditions in the Lyallpur district are desirous of obtaining proprietary rights

[ Mian Nurullah. ]

as they have to face many difficulties under present conditions ;

- (b) whether it is a fact that they have been off and on making representations before the higher authorities ;
- (c) if so, what action does the Government propose to take in the matter ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** (a) No.

(b) No.

(c) Does not arise.

NUMBERDARS OF LYALLPUR DISTRICT.

**\*3004. Mian Nurullah :** Will the Honourable Member for Revenue be pleased to state—

- (a) whether it is a fact that there are some numberdars in the Lyallpur district who have no grant of land attached to their numberdari ;
- (b) if so, how many ;
- (c) whether these numberdars are also required to perform all the duties for ordinary numberdars ;
- (d) why have they been deprived of the privilege which others enjoy ;
- (e) whether Government intends to take any action in the matter to remove their grievance ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** (a) Yes.

(b) 96. This number includes 84 lambardaris which were created in the last settlement.

(c) Yes.

(d) There was no balance land available in the chak from which a grant could be made.

(e) No.

KHARABA RULES.

**\*3005. Mian Nurullah :** Will the Honourable Member for Revenue kindly state—

- (a) the date from which the rules of granting *kharaba* were modified ;
- (b) what was the reason for the change ;
- (c) whether the opinion of any zamindars was taken in this matter ;
- (d) what was the actual percentage of *kharaba* granted under the old rules and what is the percentage granted under the new rules ;
- (e) whether Government intends to revert to the old system ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** (a) The new *Kharaba* Rules were first made applicable to the Western Jumna Canal on 25th August, 1927, and then to all other Canals on 12th July, 1929.

(b) These were framed so as to give Revenue, in addition to Irrigation Officials certain powers of allowing *kharaba* in cases of widespread calamity or where the area in which crops have been damaged is considerable in any one estate.

(c) No (so far as Irrigation Branch File goes to show).

(d) Percentage of remissions granted under Ordinary and Tenancy Rules on all the Canals in the Punjab.

*During Kharif 1929.*

*Average of 8 previous corresponding crops.*

10.09

8.41

(e) No.

#### CONFISCATION OF LAND FOR FAILURE TO PAY PURCHASE PRICE IN LYALLPUR.

**\*3006. Mian Nurullah :** Will the Honourable Member for Revenue please state—

- (a) whether it is a fact that land sold by auction on instalment system to zamindars in the Lyallpur district is being confiscated from those who have not been able to pay instalments ;
- (b) if so, the land of how many of them has been confiscated ;
- (c) whether it is a fact that this action of the Government is being resented by the zamindars in general and purchasers in particular ;
- (d) if so, what action Government intend to take to allay this dissatisfaction among the zamindars ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** (a) Yes.

(b) 618.

(c) Petitions have been received asking for concessions in the terms of sale.

(d) The matter is under consideration.

#### WATER-SUPPLY FOR NEWLY CULTIVATED LANDS IN LYALLPUR.

**\*3007. Mian Nurullah :** Will the Honourable Member for Revenue be pleased to state whether it is a fact that all the land sold by auction in the Lyallpur district was brought under cultivation without any increase in the previous water supply of a village or chak ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** The question is not clear ; but if the honourable member refers to "baqia" land recently sold, the water-supply to the chak has been increased in cases where an increase was justified.

## SALE PROCEEDS OF LAND BY AUCTION.

**\*3008. Mian Nurullah :** Will the Honourable Member for Finance be pleased to state—

- (a) whether the sale-proceeds of land sold by auction have been shown in the budget as extraordinary receipts and are used to meet the cost of huge works requiring capital expenditure ;
- (b) whether failure in the receipt of instalments at the proper time has caused difficulties in the balancing of the budget ;
- (c) to what extent during the last five years the Government has had to draw on the annual revenues for capital expenditure ?

**The Honourable Sir Henry Craik :** (a) It is a fact that the proceeds of large sales of land are classed under the head "Extraordinary Receipts" and are used to meet capital expenditure. They are also used to finance provincial loans.

The failure of vendees to pay in instalments at the proper time has certainly made it difficult to make receipts and expenditure balance.

(c) Annual revenues have not been devoted permanently to meet capital expenditure and provincial loans, but if in any year Extraordinary Receipts are short of the budget estimate and there is no corresponding shortage in the capital expenditure and provincial loans which it was intended to meet therefrom, the difference has to be made good temporarily from the Revenue Account, and repayment is in effect made to the Revenue Account in the succeeding year by heavier borrowing. The figures given in column 17 of the *pro-forma* account on page 2 of the Budget Memorandum for the year 1930-31 show that by the end of the year 1925-26 the Province had 1,49 lakhs of Extraordinary Receipts unspent, that by the end of 1926-27 this figure had been reduced to 28 lakhs, that by the end of 1927-28 capital expenditure had outrun Extraordinary Receipts and 44 lakhs had to be borrowed from the Revenue Account, that by the end of 1928-29 this figure had been raised, owing to the misfortunes of that year, to 84 lakhs, and that by the end of the year 1929-30 (revised estimates) this figure had been reduced by heavier borrowings to 12 lakhs. The current year's budget anticipates the repayment of these 12 lakhs and the accumulation of 55 lakhs of Extraordinary Receipts to meet future capital expenditure and provincial loans.

## SALE OF BAQAYA LANDS IN LYALLPUR DISTRICT.

**\*3009. Mian Nurullah :** Will the Honourable Revenue Member be pleased to state—

- (a) whether the Government is aware that the sale of *baqaya* lands has adversely affected the position of the zamindars in the Lyallpur district ;
- (b) the policy Government intend to pursue regarding sale of more *baqaya* lands in the Lyallpur district ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** (a) No.  
(b) No more *baqaya* lands are being sold.

## CONSOLIDATION OF HOLDINGS IN LYALLPUR.

**\*3010. Mian Nurullah :** Will the Honourable Minister for Agriculture be pleased to state—

- (a) whether it is a fact that no facilities exist in the district of Lyallpur for consolidation of holdings ;
- (b) if so, what action does the Government intend taking in the matter ?

**The Honourable Sardar Sir Jogendra Singh :** (a) There is nothing to prevent owners in Lyallpur from consolidating their holdings : There is no Government paid staff engaged on this work.

(b) None, until the need for a special staff is made out.

## INCREASE IN WATER RATES.

**\*3011. Mian Nurullah :** Will the Honourable the Revenue Member please state—

- (a) whether it is a fact that the water rate in this province was enhanced in the year 1929 ;
- (b) if so, what was the total increase and what was the percentage of increase ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** (a) No.

(b) Does not arise.

**Mian Nurullah :** There is a misprint in the question. It is 1929 here in the print, but I gave '1924.'

**The Honourable Captain Sardar Sikandar Hyat Khan :** In that case I would like the honourable member to give regular notice.

## LAND REVENUE SETTLEMENTS IN RAKH, JHANG AND GOGERA BRANCHES.

**\*3012. Mian Nurullah :** Will the Honourable the Revenue Member please state—

- (a) when was the land revenue in the Rakh branch increased last and what was the percentage increase in the following crops ; wheat, cotton, sugarcane and toria ;
- (b) whether it is a fact that when the settlement of Jhang and Gogera branch took place, the increase was practically the same as in Rakh branch ;
- (c) whether it is a fact that soon after the increase of the Rakh branch agitation was started against this increase ;
- (d) whether it is a fact that the then Governor paid a visit to Lyallpur in connection with the increase of land revenue in Rakh branch and the subsequent agitation ;
- (e) if so, in what year ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** (a) The last assessment of the Rakh Branch was carried out in 1918. The second part is obscure. The land revenue does not vary with the cropping.

[Hon'ble Capt. Sardar Sikander Hyat Khan.]

(b) This part also is unintelligible. If the honourable member's wish is to enquire whether the effect of the re-assessment of Jhang and Gugera Branch circles in 1920-1924 was to bring the standard up to that of the Rakh Branch, the reply is in the affirmative.

(c) Yes, there was some popular feeling against the new assessment of the Rakh Branch.

(d) No definite information is available.

(e) Does not arise.

FALL OF COTTON PRICES AND DIFFICULTY IN PAYMENT OF LAND REVENUE.

\*3013. **Mian Nurullah** : Will the Honourable the Revenue Member please state—

(a) whether the Government is aware that the zamindars are seriously agitated on account of the difficulty in the payment of land revenue for the coming *kharif* due to the fall in the price of cotton ;

(b) whether the Government is also aware that this agitation has nothing to do with the Congress movement and is entirely prompted by economic distress ;

(c) if so, what action Government intend to take to allay this agitation ?

**The Honourable Captain Sardar Sikandar Hyat Khan** : (a) The present price of cotton is lower as compared with higher prices ruling during the War and subsequent years. Prices of cotton and other commodities are affected by various factors and it is not possible to anticipate the tone of the market during next *kharif*.

(b) It is a matter for gratification that the zamindars on the whole have not been affected by the undesirable and illegal activities of the agitation, which are to a large extent responsible for the present difficulties of the zamindars and traders.

(c) Government will continue to watch the movements in prices during the coming months.

EXPORT OF *Rui* (COTTON).

\*3014. **Mian Nurullah** : Will the Honourable the Revenue Member be pleased to state—

(a) whether the attention of Government has been drawn to a resolution passed by the ginned cotton exporters and magnates of Karachi and Bombay not to export *rui* in the next cotton season to any foreign country ;

(b) what action does the Government intend to take to help the zamindars in this matter ?

**The Honourable Captain Sardar Sikandar Hyat Khan** : (a) No.

(b) Does not arise.

## EMPLOYMENT OF MUHAMMADANS AS MUNSHIS.

**\*3015. Mian Nurullah :** Will the Honourable Member for Revenue be pleased to state—

- (a) whether it is a fact that the Government had issued instructions to the Superintending Engineers that in future a certain percentage of Muhammadans should be taken in the munshi line ;
- (b) what percentage was fixed and when was the order issued ;
- (c) how many munshis have been taken in each circle and how many of these are Muhammadans ;
- (d) is there any percentage fixed for zamindars ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** (a) Yes, in May 1929.

(b) Fresh recruitment is to be on the basis of at least 50 per cent. Muslims.

(c) The information is being called for from Superintending Engineers, and will be laid on the table when received.<sup>1</sup>

(d) Yes, the recruitment should further be on the basis of at least 60 per cent. agriculturists (Muslim and non-Muslim combined) on the whole establishment.

## RATES FOR BARANI CROPS ON RAUNI SABIQA.

**\*3016. Mian Nurullah :** Will the Honourable the Revenue Member please state—

- (a) whether it is a fact that a crop matured on *barani* or well water on a *Rauni Sabiq*a is charged full rates ;
- (b) if so, why ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** (a) Yes.

(b) Because it costs Government as much to supply water for one watering as for the two or three generally required for a wheat crop.

There is also the difficulty of ascertaining whether a field has had subsequent watering or waterings.

## RATES ON CROPS IN A WAD WATTAR.

**\*3017. Mian Nurullah :** Will the Honourable the Revenue Member please state—

- (a) whether a crop sown and matured by rain or well in a *wadh wattar* is charged *nehri* ;
- (b) whether it is a fact that it should be charged *barani* or *chahi* as the case may be ;
- (c) If so, what action Government intend to take in the matter ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** (a) and (b). No separate charge is made for crops sown in "*wadh wattar*."

(c) Does not arise.

<sup>1</sup>Vide statement at page 186 *infra*.



## SALARIES OF GAZETTED OFFICERS.

\*3018. **Mian Nurullah** : Will the Chief Secretary be pleased to state—

- (a) the number of gazetted officers in the province in the years 1918, 1920 and 1930 and the total sum spent on their salaries ;
- (b) the increase (%) in the departments and posts in existence prior to 1918, and (%) in departments and posts created after 1918 ?

**Mr. D. J. Boyd** : The Government regret that they cannot undertake to supply the honourable member with the information which he seeks as the collection of such statistics would involve much time, labour and expense and the value of the information thus derived would not be commensurate with the labour involved.

## PRICES OF COMMODITIES OF CONSUMPTION BY ZAMINDARS.

\*3019. **Mian Nurullah** : Will the Honourable Minister for Agriculture be pleased to lay on the table a chart showing—

- (a) the commodities that a typical zamindar consumes ;
- (b) their average prices for the period 1918 to 1930 ;
- (c) what percentage of this total consumption they form ;
- (d) a weighted index number for the period 1918 to 1930 with 1918 as its base ?

**The Honourable Sardar Sir Jogendra Singh** : (a), (b), (c) and (d). Government has no exact information of this nature and there has not been time to collect it. Two tables giving some of the information required have been received from the Board of Economic Inquiry and are placed on the table.

## STATEMENT A.

The average daily food consumption of 5 families based on observation of the quantities consumed on each of four successive days in April 1926.

FAMILY I.—*Jat Sikhs (Ages : Males, 35, 10, 7½ and 5 ; Females, 30 and 9½).*

Seers equivalent in Ounces.

|                             |    |        |     |
|-----------------------------|----|--------|-----|
| Wheat flour ( <i>ata</i> )  | .. | 8½     | 112 |
| Pulses ( <i>dal mash</i> )  | .. | 15/32  | 15  |
| Raw sugar ( <i>gur</i> )    | .. | 27/128 | 6.7 |
| Pumpkin (vegetables)        | .. | ½      | 16  |
| Curded milk                 | .. | ½      | 16  |
| <i>Ghi</i> and fresh butter | .. | ¾      | 12  |
| Milk                        | .. | 1½     | 48  |
| Salt                        | .. | 5/128  | 1.2 |
| Other condiments            | .. | 3/256  | 4.0 |
| Pickles (mango and lemon)   | .. | 1/32   | 1.0 |

FAMILY II.—*Jat Sikh* (Ages : Males : 60, 22, 10, 8, 90, 18 ; Females 50, 20, 2).

|                             |    |      |      |
|-----------------------------|----|------|------|
| Wheat flour ( <i>ata</i> )  | .. | 6½   | 200  |
| Pulses ( <i>dal mash</i> )  | .. | ½    | 16   |
| Raw sugar                   | .. | 9/20 | 9.9  |
| Pumpkin                     | .. | ½    | 16   |
| Curded milk                 | .. | 7/12 | 18.7 |
| <i>Ghi</i> and fresh butter | .. | ½    | 16   |
| Milk                        | .. | 2    | 64   |
| Salt                        | .. | 1/24 | 1.3  |
| Other condiments            | .. | 1/43 | 0.6  |

FAMILY III.—*Arain* (Ages ; Males, 56, 23, 18, 14 ; Females, 45, 18, 12.)

|                            |    |       |       |
|----------------------------|----|-------|-------|
| Wheat flour ( <i>ata</i> ) | .. | 6½    | 197.8 |
| Pulses ( <i>dal mash</i> ) | .. | ½     | 10.6  |
| Green gram                 | .. | ½     | 5.8   |
| Curded milk                | .. | ½     | 4.6   |
| <i>Ghi</i> and butter      | .. | ½     | 8.0   |
| Milk                       | .. | 1½    | 48.0  |
| Salt                       | .. | 1/24  | 1.3   |
| Other condiments           | .. | 1/256 | 0.1   |
| Pickles                    | .. | 1/24  | 1.8   |

FAMILY IV.—*Arain* (Ages : Males, 45, 22, 16, 6, 2 ; Females, 40, 10, 2).

|                  |    |      |      |
|------------------|----|------|------|
| Wheat flour      | .. | 6    | 192  |
| Pulses           | .. | ½    | 10.6 |
| Radishes         | .. | ½    | 16   |
| Green gram       | .. | ½    | 10.6 |
| Curded milk      | .. | ½    | 8    |
| Butter           | .. | 3/16 | 6    |
| Salt             | .. | 1/24 | 1.3  |
| Other condiments | .. | 1/82 | 1.0  |
| Pickles          | .. | 1/16 | 2    |

FAMILY V.—*Julahas* (Ages : Males, 36, 11, 2½, 1 ; Females, 23, 6, 4.)

|                  |    |       |      |
|------------------|----|-------|------|
| Wheat flour      | .. | 4     | 128  |
| Pulses           | .. | 2/7   | 9.1  |
| Radishes         | .. | 5/14  | 11.5 |
| Gram             | .. | 9/56  | 5.1  |
| Potatoes         | .. | 2/7   | 9.1  |
| Green vegetables | .. | 1/14  | 2.3  |
| <i>Ghi</i>       | .. | 3/14  | 6.8  |
| Salt             | .. | 3/112 | 0.8  |
| Other condiments | .. | 1/56  | 0.6  |
| Pickles          | .. | 1/28  | 1.1  |



## AVERAGE INCOME OF ZAMINDARS.

**\*3020. Mian Nurullah :** Will the Honourable the Revenue Member please lay on the table a statement showing the income, say, for *kharif* 1929 and *rabi* 1930 of a zamindar owning one square of average land with average conditions of water ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** The honourable member is referred to the publications of the Board of Economic Inquiry, Nos. 12, 15, 19, and 20, which contain detailed information of the accounts of various farms in the canal colonies and which represents the most recent information in the possession of Government on this intricate subject.

## CALCULATION OF ZAMINDAR'S ASSETS FOR ASSESSMENT PURPOSES.

**\*3021. Mian Nurullah :** Will the Honourable Revenue Member please state—

- (a) how does Government calculate the net assets of a zamindar for the purposes of assessment work ;
- (b) whether Government will explain its reply by a detailed illustration which may be laid on the table ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** (a) Government makes no calculations of a zamindar's net assets for assessment purposes. Calculations are made as to the net assets of all the zamindars of an assessment circle ; and the rules governing such calculations will be found in the rules made under the recent Land Revenue Amendment Act, a copy of which is laid on the table.<sup>1</sup>

(b) The honourable member will find full information as to the details of the calculation in any assessment report ; complete copies of all of them are available in the Library. Reference may also be made to Mr. Leigh's pamphlet on land revenue assessment which is in the Library.

## SCARCITY OF MUNICIPAL SUPPLY OF PIPE WATER AT LAHORE.

**\*3022. Lala Mukand Lal, Puri :** Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether the Government is aware of the general complaint regarding the scarcity of Municipal supply of pipe water felt by the residents of Gawal Mandi and Civil Station of Lahore ;
- (b) whether it is a fact that occupants of several bungalows in the civil station, though paying high water-rate, do not get even a drop of water, in spite of repeated and continuous protests and complaints to the Municipality ;
- (c) is the Government aware that the Lahore Municipality has failed to do its duty in this matter ;
- (d) what steps does the Government contemplate taking to make the Municipality of Lahore realize its statutory duty towards the citizens of Lahore ?

**The Honourable Malik Firoz Khan, Noon :** The information asked for by the honourable member is being collected and will be communicated to him when available.

<sup>1</sup> Kept in the Library.

## UNSTARRED QUESTIONS AND ANSWERS.

## LIBRARY GRANTS TO RURAL COMMUNITY COUNCIL.

**1744. Chaudhri Baldev Singh :** Will the Honourable Minister for Education kindly state—

- (a) the amount set apart for Rural Community Council last year and the amount given to each district of the province for the purchase of books and periodicals for rural libraries ;
- (b) the amount spent by each district for the purchase of Urdu, Hindi and Punjabi books and periodicals separately in the same year ?

**The Honourable Mr. Manohar Lal :** (a) The Rural Community Board, it is presumed that the honourable member refers to this Board, receives a grant of Rs. 1 lakh a year.

The Rural Community Board does not pay anything for the maintenance of village libraries ; it pays the librarians' allowances. The Education Department pays grants to District Boards for the maintenance of village libraries.

A statement showing the grants paid last year is laid on the table.

(b) The labour involved in collecting this information is not justified by the importance thereof.

**STATEMENT SHOWING THE GRANTS SANCTIONED TO EACH DISTRICT IN THE PUNJAB DURING 1929-30 FOR VILLAGE LIBRARIES.**

| District.        | Amount of grant paid. | REMARKS.   |
|------------------|-----------------------|--|
|                  | Rs.                   |  |
| Hissar .. ..     | 2,985                 |  |
| Rohtak .. ..     | 2,930                 |  |
| Gurgaon .. ..    | 2,165                 |  |
| Karnal .. ..     | 3,255                 | After deducting Rs. 160 on account of unspent balance of previous year's grant.    |
| Ambala .. ..     | 1,437                 | After deducting Rs. 948, on account of unspent balance of previous year's grant.   |
| Simla .. ..      | 220                   |  |
| Jullundur .. ..  | 84                    | After deducting Rs. 2,071, on account of unspent balance of previous year's grant. |
| Kangra .. ..     | 1,803                 | After deducting Rs. 127, on account of unspent balance of previous year's grant.   |
| Hoshiarpur .. .. | 2,468                 | After deducting Rs. 782, on account of unspent balance of previous year's grant.   |
| Ferozepore .. .. | 1,285                 | After deducting Rs. 350, on account of unspent balance of previous year's grant.   |

| District.             | Amount of grant paid. | REMARKS.   |
|-----------------------|-----------------------|--|
| Ludhiana .. ..        | 1,895                 | After deducting Rs. 10, on account of unspent balance of previous year's grant   |
| Lahore .. ..          | 2,895                 | After deducting Rs. 505, on account of unspent balance of previous year's grant.   |
| Amritsar .. ..        | 3,267                 | After deducting Rs. 3, on account of unspent balance of previous year's grant.   |
| Gujranwala .. ..      | 3,450                 |  |
| Sheikhupura .. ..     | 2,780                 |  |
| Gurdaspur .. ..       | 2,350                 |  |
| Sheikot .. ..         | ..                    | The grant earned amounted to Rs. 3,040, but as there was an unspent balance of Rs. 3,040, out of last year's grant no grant was allowed this year. |
| Rawalpindi .. ..      | 208                   | After deducting Rs. 1,312, on account of unspent balance of previous year's grant.   |
| Gujrat .. ..          | 2,031                 | After deducting Rs. 29, on account of unspent balance of previous year's grant.  |
| Jhelum .. ..          | 1,780                 |  |
| Mianwali .. ..        | 2,300                 |  |
| Shahpur .. ..         | 2,080                 |  |
| Attock .. ..          | 108                   | After deducting Rs. 1,562, on account of unspent balance of previous year's grant.   |
| Multan .. ..          | 1,034                 | After deducting Rs. 1, on account of unspent balance of previous year's grant  |
| Muzaffargarh .. ..    | 1,965                 |  |
| Dera Ghazi Khan .. .. | 3,975                 |  |
| Montgomery .. ..      | 2,049                 | After deducting Rs. 441, on account of unspent balance of previous year's grant.   |
| Lyallpur .. ..        | 3,380                 |  |
| Jhang .. ..           | 2,040                 |  |
|                       | 59,784                |  |

## GOVERNMENT HIGH SCHOOL, GOHANA.

1745. Chaudhri Baldev Singh: Will the Honourable Minister for Education kindly state—

- (a) the number of boys reading Arabic in IX and X classes separately for this year and the last year in the Government High School, Gohana, District Rohtak;

[Ch. Baldeo Singh.]

- (b) what are the reasons for continuing Arabic classes for one or two boys only ;
- (c) whether it is a fact that there are no arrangements for teaching Hindi to the boys in the middle classes of the said school ;
- (d) if so, why ;
- (e) whether it is a fact that about 50 boys from the said school sent a representation to the Inspector of Schools for teaching them Hindi in the middle classes ;
- (f) the total number of boys in the middle department community-wise and the number of boys that wish to read Hindi in the middle classes in the said school ;
- (g) what was the sum allotted to Hindi library during the last year and how much of it was actually spent in the said school ;
- (h) whether it is a fact that the sum allotted to Hindi books was spent to buy Urdu books on the excuse that Hindi books could not be had from Rai Sahib Ghulab Singh and Sons ;
- (i) whether it is a fact that the money granted for Urdu books was mostly spent on two books, namely, Islam Kee Tarikh and Arab Kee Tarikh ;
- (j) what was the total sum spent on Urdu books and what is the total price of these two books ?

**The Honourable Mr. Manohar Lal :** (a) In May, 1929, two boys in X class only and on 30th April, 1930, no boy reading Arabic in IX and X classes.

- (b) The question does not arise as there is no class.
- (c) Yes.
- (d) On account of the small number of students who wished to read Hindi in the past.
- (e) The Inspector of Schools has recently reported that 40 boys in the middle classes wish to read Hindi.
- (f) to (j) The requisite information is not available. It is being collected and will be supplied to the honourable member when ready.

PIR BAKHSH, TEACHER, DISTRICT BOARD MIDDLE SCHOOL, JATOI.

**1746. Khan Muhammad Abdullah Khan :** Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that Pir Bakhsh, a teacher of District Board Middle School, Jatoi, in the Muzaffargarh district, is under suspension by an order of the Director of Public Instruction, Punjab, and that he has been asked to put in his resignation on pain of getting his departmental certificate cancelled ;
- (b) whether it is a fact that the teacher did put in his resignation and has now applied to withdraw the same ?

(c) if the answer to part (a) be in the affirmative, will Government please state—

- (i) whether a teacher can be put to option mentioned in part (a) and punished without any enquiry ;
- (ii) whether any enquiry was made in the case of Pir Bakhsh and any charge framed against and read over to him ;
- (iii) whether any evidence was taken against him in his presence ;
- (iv) whether he was asked to produce his defence ;
- (v) whether he was asked to put in an explanation of the allegations against him and whether he did put in any ?

(d) if the reply to the above parts be in the affirmative, what action Government intends to take in the matter's ?

**The Honourable Mr. Manohar Lal :** (a) Yes, but the suspension was under the orders of the District Board and not under those of the Director of Public Instruction though at the latter's instance.

(b) Yes.

(c) and (d). The record of the proceedings of the enquiry held against certain teachers of the District Board School at Jatoi under the District Board's orders is not available in the office of the Director of Public Instruction, but in view of (1) the following remarks appearing in the proceedings of the District Board, Muzaffargarh, dated the 18th August, 1927.

"The Chairman, District Board, remarks that he has discussed this case with the Inspector of Schools. The offence committed by M. Ahmed Bakhsh is a most serious one and in the interest of discipline he should be dismissed outright. M. Pir Bakhsh's antecedents are very bad and the evidence against him is also sufficient to hold that he too has been associated with Ahmad Bakhsh in this matter."

and (2) the report of the District Inspector of Schools, Muzaffargarh, on the Jatoi case, it is considered that action under article 22, Chapter III of the Punjab Education Code is justified. In view, however, of the fact that a long time has elapsed since these events occurred and to take a lenient view of the case Pir Bakhsh was given the option of resignation failing which action under article 23 Chapter III of the Punjab Education Code will have to be taken.

AGROHA THEH, FATEHABAD, HISSAR DISTRICT.

**1747. Rai Bahadur Lala Ganga Ram :** Will the Honourable Minister for Agriculture be pleased to state—

- (a) whether it is a fact that a mound known as Agroha Theh in the Hissar district, tehsil Fatehabad, was declared a protected monument under Monument Act VII of 1904 ;
- (b) whether it is a fact that there existed on the mound a number of saties and four temples ;
- (c) whether it is a fact that one of the temples was repaired on 2nd October 1927 by Pandit Brahmanand, with the permission of Deputy Commissioner, Hissar ;



[ R. B. Lala Ganga Ram. ]

- (d) whether it is a fact that subsequently the permission was withdrawn by the Deputy Commissioner and the temple was removed without giving any reason for that ;
- (e) whether the Government is aware that saties and temples are sacred relics of Aggarwals and religious rites are being performed twice a year on the mound ;
- (f) If so, will the Government please state the reasons for demolishing the temple ?

**The Honourable Sardar Sir Jogendra Singh :** The information asked for by the honourable member is being collected and will be communicated to him when available.

MUHAMMADAN REPRESENTATION AMONG OFFICIAL RECEIVERS.

**1748. Pir Akbar Ali :** Will the Honourable the Finance Member be pleased to state—

- (a) the number of Muslim Official Receivers in the Punjab ;
- (b) the number of non-Muslim Official Receivers in the Punjab ;
- (c) whether the communitywise representation in this matter is according to the percentage of population in the province ;
- (d) whether the Government has taken any practical steps for redressing the Muslim in this respect ?

**The Honourable Sir Henry Craik :** (a) 1.

(b) 12, 2 Sikhs and 10 Hindus.

(c) No.

(d) The honourable member's attention is drawn to reply to part (b) of his question No. 1749 (below).

MUSLIM REPRESENTATION AMONG OFFICIAL RECEIVERS.

**1749. Pir Akbar Ali :** Will the Honourable the Finance Member be pleased to state—

- (a) whether it is a fact that the Government contemplates to make some more appointments as Official Receivers ;
- (b) if so, what steps Government proposes to take to make up the deficiency of the Muslims in the cadre of Official Receivers in the Punjab ?

**The Honourable Sir Henry Craik :** (a) Yes.

(b) Government proposes to make appropriate appointments in vacancies as they occur until communal disproportion is rectified.

**MR. YUDHISTER LAL, OFFICIAL RECEIVER, FEROZEPORE.**

**1750. Pir Akbar Ali :** Will the Honourable the Finance Member be pleased to state—

- (a) whether it is a fact that the late Official Receiver, Ferozepore, Mr. Yudhister Lal, Taneja, Arora, is related to the wife of Senior Sub-Judge, Ferozepore, Mr. Khan Chand, Jamneja, Arora ;
- (b) whether it is a fact that even after Mr. Yudhister Lal having been relieved of the charge of Official Receiver, Ferozepore, he has been given some profitable work of the insolvency cases while undergoing training as Sub-Judge at Ferozepore ;
- (c) if so, why ?

**The Honourable Sir Henry Craik :** Enquiries are being made from local authorities and a reply will be furnished to the honourable member when ready.

**APPOINTMENT OF OFFICIAL RECEIVER, FEROZEPORE.**

**1751. Pir Akbar Ali :** Will the Honourable the Finance Member be pleased to state—

- (a) the number of the lawyers who applied for the post of Official Receiver, Ferozepore ;
- (b) how many out of them have been appointed temporary receivers with their names ;
- (c) has any one been so appointed without even having applied for the job ;
- (d) the reasons for appointing so many in place of one Official Receiver ?

**The Honourable Sir Henry Craik :** The information is being collected and will be supplied to the honourable member when ready.

**OFFICIAL RECEIVER, FEROZEPORE DISTRICT.**

**1752. Pir Akbar Ali :** Will the Honourable the Finance Member be pleased to lay on the table a list showing the following particulars, about the Ferozepore district Official Receiver, since Mr. Yudhister Lal, Official Receiver, was relieved of the charge—

- (a) name of the temporary Receiver ;
- (b) description of the insolvency case or cases given ;
- (c) the amount of the debts in each case ;
- (d) the assets of the insolvent or insolvents and the amount realised by the temporary Receiver ;
- (e) the amount of fee recovered by the temporary Receiver ?

**The Honourable Sir Henry Craik :** The information is being collected and will be supplied to the honourable member when ready.

## BHAKRA DAM PROJECT.

**1753. Khan Bahadur Maulvi Abdul Ghani:** Will the Honourable Revenue Member kindly state—

- (a) whether it is a fact that no action has so far been taken to obtain sanction for the Bhakra Dam Project from the Government of India and the Secretary of State;
- (b) whether the work of the preparation of the Haveli Project is nearing completion;
- (c) if the answers to the above be in the affirmative, when the Government is going to take in hand the work of the preparation of the Bhakra Dam Project?

**The Honourable Captain Sardar Sikandar Hyat Khan:** The honourable member is referred to the reply given to starred question No. 2990.<sup>1</sup>

## HINDU TECHNICAL INSTITUTE, LAHORE.

**1754. Pir Akbar Ali:** Will the Honourable the Minister for Education kindly lay on the table the following particulars *re* the Hindu Technical Institute, Lahore:—

- (a) since when this institute is in existence;
- (b) the amount of aid given to the said institute during this period by (i) the Government, Punjab, (ii) the Municipal Committee, Lahore;
- (c) the number of successful students communitywise;
- (d) whether it is a fact that the Principal of the said Technical school does not allow admission to Muslims?

**The Honourable Mr. Manohar Lal:** (a) 1897.

- (b) (i) Rupees 1,18,226-9-4.
- (ii) Rupees 1,200 per annum from 1899 to 1921 when the grant was raised to Rs. 1,800 per annum which is still being paid.
- (c) One hundred and nine Sikhs and 426 Hindus.
- (d) The Articles of Association governing the institute do not permit the admission of Muslims.

## EMBEZZLEMENT IN GURDASPUR AGRICULTURAL STATION.

**1755. Pir Akbar Ali:** Will the Honourable Minister for Agriculture be pleased to state—

- (a) whether it is a fact that an embezzlement of a large sum of money in the poultry accounts of the Gurdaspur Agricultural station was brought to the notice of the head of the department by the Poultry Expert;
- (b) if so, will Government be pleased to state why the Deputy Director in charge could not detect the same and take proper action;
- (c) whether it is a fact that he was put in charge of the poultry work merely with the object of scrutinising accounts and keeping a watch over the poultry section;

- (d) how many times during the last three years did the Deputy Director of Agriculture check the poultry and farm accounts ;  
 (e) how far is the Deputy Director responsible for this embezzlement ?

**The Honourable Sardar Sir Jogendra Singh :** (a) Yes ; but not by Poultry Expert ;

(b) An inquiry has already been made from the Deputy Director, and a report has been received from him. A further report is being called for from him.

(c) Yes, from February 1928 ; The Poultry Expert was in an independent charge.

(d) Never until October 1929 when the defalcations were discovered.

(e) The matter is under the consideration of Government.

—

**SUPERSESSION OF RAJA FAZIL MUHAMMAD KHAN BY S. DEWA SINGH IN THE EDUCATION DEPARTMENT.**

**1756. Mr. Din Muhammad :** Will the Honourable Minister for Education please state—

- (a) the total length of service which Sardar Deva Singh, officiating Inspector of Schools, Ambala Division, has put in the Punjab Education Department ;  
 (b) The number of years he had spent in the inspection line before being appointed as an Inspector of Schools ;  
 (c) the date when he was confirmed as Deputy Inspector of Schools ;  
 (d) the total length of service of Raja Fazl Muhammad Khan in the Punjab Education Department ;  
 (e) the number of years he has spent in the inspection line ;  
 (f) the dates of his appointment and confirmation as Deputy Inspector of Schools, respectively ;  
 (g) the reason why Raja Fazil Muhammad Khan has been superseded by S. Deva Singh who is junior to him both in the length of service and experience of inspection line ?

**The Honourable Mr. Manohar Lal :** (a) Ten years and three months.

(b) One year, eleven months and ten days.

(c) 30th October, 1928.

(d) Twenty-four years and four months.

(e) Seventeen years, six months and sixteen days.

(f) 1st December, 1925.

(g) Many factors are taken into consideration at the time of making appointments to the posts of Inspector of Schools, and it is not advisable in the public interest to discuss individual cases, but it is not correct to say that Sardar Deva Singh is junior to Khan Sahib Fazil Muhammad. Sardar Deva Singh occupies the 25th place in the P. E. S., and Khan Sahib Fazil Muhammad is at the 32nd place.

## GRANT-IN-AID TO ANGLO-VERNAICULAR SCHOOLS.

**1757. Mr. Din Muhammad :** Will the Honourable the Minister for Education please state—

- (a) how many new Anglo-Vernacular Schools under private management were brought on the grant-in-aid list during 1928-29 and how many of these were under Hindu, Sikh and Muslim managements, respectively ;
- (b) how many Anglo-Vernacular Schools under private management were given special grants in 1928-29, 1929-30, and how many of these were under Hindu, Sikh and Muslim managements, respectively ;
- (c) how many of the schools referred to in (a) and (b) above were recommended by the Divisional Inspectors as required by the Punjab Education Code ?

**The Honourable Mr. Manohar Lal :** (a) Seventeen—

|        |    |    |    |
|--------|----|----|----|
| Hindus | .. | .. | 19 |
| Muslim | .. | .. | 1  |
| Sikhs  | .. | .. | 2  |

(b) (i) 1928-29—Twenty-three—

|        |    |    |    |
|--------|----|----|----|
| Hindu  | .. | .. | 18 |
| Muslim | .. | .. | 2  |
| Sikhs  | .. | .. | 5  |

(ii) 1929-30—Twenty-three—

|        |    |    |    |
|--------|----|----|----|
| Hindu  | .. | .. | 12 |
| Muslim | .. | .. | 8  |
| Sikhs  | .. | .. | 5  |

(c) It is not the practice of Government to disclose this confidential information, but the honourable member may be informed that the school or two that possibly do not fall under this category are those which either had been supported for a special grant or had received special grants in the past.

## AUCTION OF LAND IN LYALLPUR.

**1758. Mian Nurullah :** Will the Honourable Member for Revenue be pleased to state—

- (a) how many squares of land were sold by auction in the district of Lyallpur during the last ten years ;
- (b) what was the average price per square and the total sale proceeds ;
- (c) what was the maximum price fetched by a square and in what year ; what is the average market price per square in that vicinity now ;
- (d) how much price should have been paid in by now and how much of this has been actually received ;
- (e) how many zamindars bought land and how many have failed to pay the instalments when due ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** (a) Two thousand, two hundred and forty squares of land have been sold by auction during the last 10 years.

(b) The average price per square sold was Rs. 16,035. The total sale price being Rs. 3,59,19,033.

(c) Maximum price of a square of land sold was Rs. 29,000 during the year 1926.

The present market price per square in that vicinity cannot exactly be ascertained unless a number of squares are sold.

(d) Rupees 2,90,70,125 should have been paid up till now, but so far Rs. 2,05,44,544 have been paid.

(e) Five thousand, two hundred and thirty-two zamindars bought land and 2,437 persons have failed to pay the instalments when they fell due.

#### EXPENDITURE AND REVENUE RE LOWER CHENAB CANAL.

**1759. Mian Nurullah :** Will the Honourable the Revenue Member be pleased to state—

- (a) the total cost of the Lower Chenab Canal ;
- (b) for how many years it has worked ;
- (c) what has been the total amount of annual revenue (water rate) from it up to the beginning of last year from the date of its opening and what was the amount of revenue last year ;
- (d) what is the total of yearly running expenses for the periods mentioned in (c) above ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** (a) Capital outlay inclusive of indirect charges up to the end of year 1928-29 — Rs. 3,79,00,819.

(b) The Canal was opened in 1887-88.

(c) Total amount of revenue on account of occupiers' rates—

|                                      | Rs.          |
|--------------------------------------|--------------|
| (i) up to the end of year 1928-29 .. | 25,19,95,706 |
| (ii) during the year 1928-29 ..      | 97,79,995    |

(d) Total amount of working expenses (excluding interest)—

|                                      | Rs.         |
|--------------------------------------|-------------|
| (i) up to the end of year 1928-29 .. | 7,59,84,648 |
| (ii) during the year 1928-29 ..      | 37,98,696   |

#### AVERAGE MARKET PRICES OF CHIEF COMMODITIES.

**1760. Mian Nurullah :** Will the Honourable Member for Revenue be pleased to lay on the table a comparative statement showing for the years 1918 to date—

- (a) the average market prices each year of the chief commodities grown by a zamindar, say (i) wheat, (ii) cotton, (iii) sugarcane, (iv) toria, (v) gram ;
- (b) an index number prepared from them for the same period with 1918 as its base (100) ;
- (c) what was the year of maximum prices in India ;
- (d) in what year each of these commodities reached its maximum prices and what was that price ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** (a) A statement showing the average wholesale prices of wheat, gram, rapeseed, sugar (raw) and cotton (cleaned), for the years 1918 to 1930, is placed on the table.

(b) A statement showing the index numbers prepared for these commodities taking the 1918 figure as 100, is also placed on the table.

(c) Prices in the Punjab were at their maximum, among recent years, 1921.

(d) The maximum price per maund of each commodity together with the year of maximum price is given below :—

| Name of commodity.       | Maximum price. |    |   | Year. |
|--------------------------|----------------|----|---|-------|
|                          | Rs. A. P.      |    |   |       |
| Wheat .. .. .            | 7              | 12 | 6 | 1921  |
| Gram .. .. .             | 6              | 14 | 9 | 1921  |
| Rapeseed.. .. .          | 12             | 1  | 0 | 1919  |
| Sugar (raw) .. .. .      | 12             | 10 | 6 | 1921  |
| Cotton (cleaned) .. .. . | 45             | 15 | 1 | 1924  |

STATEMENT SHOWING AVERAGE WHOLESALE PRICES OF WHEAT, GRAM, RAPSEED, SUGAR (RAW) AND COTTON (CLEANED) FROM 1918 TO 1930.

| YEAR.         | Wheat.    | Gram.     | Rapeseed. | Sugar (raw.) | Cotton (raw.) | REMARKS. |
|---------------|-----------|-----------|-----------|--------------|---------------|----------|
|               | Rs. A. P. | Rs. A. P. | Rs. A. P. | Rs. A. P.    | Rs. A. P.     |          |
| 1918 .. .. .  | 3 6 9     | 2 10 9    | 5 11 0    | 4 8 7        | 23 9 0        |          |
| 1914 .. .. .  | 3 11 10   | 3 5 0     | 6 1 0     | 4 13 0       | 15 12 2       |          |
| 1915 .. .. .  | 4 6 5     | 3 5 0     | 4 15 2    | 6 13 0       | 14 9 7        |          |
| 1916 .. .. .  | 3 12 10   | 3 2 7     | 4 9 7     | 6 8 7        | 16 9 11       |          |
| 1917 .. .. .  | 4 3 2     | 3 5 5     | 4 8 10    | 5 11 10      | 23 1 5        |          |
| 1918 .. .. .  | 5 1 9     | 4 0 8     | 5 11 0    | 6 10 9       | 39 13 5       |          |
| 1919 .. .. .  | 6 0 4     | 5 10 1    | 12 1 0    | 10 4 10      | 34 14 7       |          |
| 1920 .. .. .  | 5 6 6     | 5 6 11    | 10 10 3   | 9 10 3       | 28 0 8        |          |
| 1921 .. .. .  | 7 12 6    | 6 14 9    | 9 8 2     | 12 10 6      | 22 7 8        |          |
| 1922 .. .. .  | 6 4 5     | 5 2 6     | 7 9 6     | 8 11 5       | 32 2 8        |          |
| 1923 .. .. .  | 3 15 3    | 2 15 2    | 6 13 6    | 5 13 6       | 42 12 4       |          |
| 1924 .. .. .  | 4 6 4     | 3 2 3     | 18 6 11   | 6 13 8       | 48 15 1       |          |
| 1925 .. .. .  | 5 11 11   | 3 15 2    | 8 7 0     | 8 9 1        | 36 6 0        |          |
| 1926 .. .. .  | 5 4 9     | 4 7 2     | 7 14 6    | 8 8 6        | 25 0 10       |          |
| 1927 .. .. .  | 4 12 8    | 4 5 3     | 8 1 3     | 6 4 7        | 27 6 11       |          |
| 1928 .. .. .  | 5 0 8     | 4 9 1     | 7 6 0     | 6 8 0        | 30 3 10       |          |
| 1929 .. .. .  | 5 1 11    | 5 5 1     | 7 8 8     | 7 6 4        | 24 2 3        |          |
| 1930* .. .. . | 3 10 8    | 4 4 3     | 5 15 8    | 6 7 5        | 17 15 6       |          |

\*The price is for toria.

\*Average of six months.

STATEMENT SHOWING THE INDEX NUMBER FOR THE PRICES OF WHEAT, GRAM, RAPESEED, SUGAR (RAW) AND COTTON (CLEANED), TAKING THOSE OF 1913 AS 100.

| YEAR. | Wheat. | Gram. | Rapeseed. | Sugar (raw). | Cotton (cleaned) | REMARKS. |
|-------|--------|-------|-----------|--------------|------------------|----------|
| 1913  | 100    | 100   | 100       | 100          | 100              |          |
| 1914  | 109    | 124   | 107       | 106          | 67               |          |
| 1915  | 129    | 124   | 87        | 150          | 62               |          |
| 1916  | 111    | 118   | 81        | 144          | 71               |          |
| 1917  | 123    | 125   | 80        | 127          | 96               |          |
| 1918  | 149    | 151   | 100       | 147          | 160              |          |
| 1919  | 176    | 211   | 212       | 227          | 148              |          |
| 1920  | 155    | 203   | 187       | 213          | 119              |          |
| 1921  | 227    | 259   | 167       | 279          | 95               |          |
| 1922  | 183    | 103   | 194       | 192          | 137              |          |
| 1923  | 116    | 110   | 120       | 129          | 132              |          |
| 1924  | 128    | 118   | 148       | 151          | 208              |          |
| 1925  | 168    | 148   | 148       | 189          | 154              |          |
| 1926  | 155    | 156   | 139       | 188          | 106              |          |
| 1927  | 140    | 162   | 142       | 139          | 116              |          |
| 1928  | 147    | 171   | 130       | 143          | 128              |          |
| 1929  | 150    | 199   | 133       | 163          | 102              |          |
| 1930  | 107    | 130   | 105       | 142          | 76               |          |

ARAINS IN THE DISTRICT BOARD, LYALLPUR.

1761. Mian Nurullah: Will the Honourable Minister for Local Self-Government be pleased to state—

- what is the percentage of Arain electors in the electoral rolls of the district board, Lyallpur;
- whether it is a fact that the constituencies are so arranged that under the present arrangements they cannot and have never secured more than three seats out of 36 elected members i.e., about 8 per cent.;
- whether it is a fact that there are 6 nominated members and none of them is an Arain;
- when was an Arain last nominated;
- what is the number of Gujar electors;
- have they ever secured a seat by election or nomination;
- are there any safeguards provided for the representation of the minorities?



**The Honourable Malik Firoz Khan, Noon :** The information asked for by the honourable member is being collected and will be communicated to him when available.

JANGLIS OF THE JHANG DISTRICT.

**1762. Mian Nurullah :** Will the Honourable Minister for Education be pleased to state—

- (a) whether the Government knows that locals, i.e., Jangli population of Jhang District are very backward and deserve special facilities for their general uplift, specially in education ;
- (b) do any concessions exist for them ;
- (c) if not, what action Government intends to take in the matter ?

**The Honourable Mr. Manohar Lal :** Enquiries are being made and a reply will be sent to the honourable member when ready.

COMPENSATION TO OWNERS OF WATER-LOGGED AREAS.

**1763. Mian Nurullah :** Will the Honourable Member for Revenue be pleased to state—

- (a) what help is Government rendering to the owners of water-logged areas specially in cases where the water-logging is the direct effect of the canals ;
- (b) whether the owners of such areas are compensated per crop for the loss which they suffer in every harvest ;
- (c) whether the Government allows or intends to allow owners of such areas better lands in exchange ;
- (d) if so, when ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** (a) Government has allotted land on peasant grantee terms to sufferers from waterlogging as follows:—

|                         | <i>Rectangles.</i> |    |    |    |       |
|-------------------------|--------------------|----|----|----|-------|
| (1) Gujranwala .. .. .  | ..                 | .. | .. | .. | 900   |
| (2) Sheikhupura .. .. . | ..                 | .. | .. | .. | 700   |
| (3) Sialkot .. .. .     | ..                 | .. | .. | .. | 650   |
| (4) Gujrat .. .. .      | ..                 | .. | .. | .. | 600   |
| (5) Lahore .. .. .      | ..                 | .. | .. | .. | 50    |
| (6) Ambala .. .. .      | ..                 | .. | .. | .. | 15    |
|                         |                    |    |    |    | Total |
|                         |                    |    |    |    | 2,915 |

In addition, eight estates in the Sialkot district and three in the Gujranwala district have been given good colony land in exchange for their damaged land.

(b) No.

(c) Government has permitted certain estates in the Gujranwala and Sheikhupura districts to apply for exchange of their entire areas with good

colony lands belonging to Government. Four estates have availed themselves of the offer and have applied for exchange.

(d) The applications received from those four estates are under consideration.

TOTAL WATER-LOGGED AREA.

**1764. Mian Nurullah:** Will the Honourable Revenue Member please state the following particulars for the province—

(a) the total area water-logged;

(b) how much of it has been compensated for?

**The Honourable Captain Sardar Sikandar Hyat Khan:** (a) The total area damaged by waterlogging according to the latest Girdawari returns in the 11 districts of the province affected by waterlogging is as follows:—

*Banjar which was never broken.*

|              | Acres.   |
|--------------|----------|
| Thur .. .. . | 1,78,472 |
| Sem .. .. .  | 9,506    |

*Other Banjar.*

|              |        |
|--------------|--------|
| Thur .. .. . | 91,887 |
| Sem .. .. .  | 16,856 |

*Cultivated area.*

|              |        |
|--------------|--------|
| Thur .. .. . | 77,169 |
| Sem .. .. .  | 5,469  |

(b) Relief has been given by way of peasant grants in the Nili Bar as follows:—

| <i>Name of district.</i> | <i>Rectangles allotted.</i> |
|--------------------------|-----------------------------|
| (1) Sheikhanpura .. .. . | 700                         |
| (2) Gujranwala .. .. .   | 900                         |
| (3) Sialkot .. .. .      | 650                         |
| (4) Gujrat .. .. .       | 600                         |
| (5) Lahore .. .. .       | 50                          |
| (6) Ambala .. .. .       | 15                          |
|                          | 2,915                       |

In addition to this an area of 8,300 acres in the Lower Chenab Colony was given in exchange for an equal area damaged by Water-logging in the Gujranwala District and about 50 rectangles within the district itself are given on temporary cultivation to sufferers from seepage in the Sheikhpura district. All this is recent. The award of 80 squares on the Lower Chenab to the Jhang people about the year 1902 and of several Chaks on the Upper Chenab Canal to the Gujranwala sufferers about 1913-14 is old history.

## KHARABA REMISSION.

**1765. Mian Nurullah:** Will the Honourable Revenue Member please state—

- (a) whether remission is granted under the present rules of *kharaba*, if a zamindar recovers nothing beyond the actual cost of seed *plus* the cost of cultivation ;
- (b) whether it is a fact that the circumstances for remission mentioned above exist at present in all areas where wheat is sown ;
- (c) If so, what action Government intend to take in the matter ?

**The Honourable Captain Sardar Sikandar Hyat Khan:** (a) Yes, where there has been a complete failure or destruction of the crop or the failure is so nearly complete that the cultivator recovers nothing beyond the cost of seed and bare cost of cultivation ;

- (b) No.
- (c) Does not arise.

## RULES REGARDING FIXING STANDARD OF VALUE OF CERTAIN CROPS.

**1766. Mian Nurullah:** Will the Honourable Revenue Member please state—

- (a) whether there are rules fixing a standard by which the canal officials estimate the yield or income for a certain crop ;
- (b) if so, will the Government please lay those on the table ?

**The Honourable Captain Sardar Sikandar Hyat Khan:** (a) Please see Note (b) to Rule 20 of the Rules under the Canal Act.

- (b) Copy laid on the table.

## Copy of Note (b) to Rule 20 under the Canal Act.

(b) A normal crop should be regarded as one giving yield equal to that adopted by the Settlement Officer for that crop in framing his half-net assets estimates.

## TRAVELLING ALLOWANCE FOR IRRIGATION OFFICERS.

**1767. Mian Nurullah:** Will the Honourable Member for Revenue be pleased to state—

- (a) whether the maximum travelling allowance is fixed for an Irrigation Officer for a month ;
- (b) if so, what is it ;
- (c) how many officers exceeded this limit last year ;
- (d) if so, by what per cent. did the maximum excess exceed the maximum limit fixed and for what reasons ;
- (e) was any action taken against such officers ?

**The Honourable Captain Sardar Sikandar Hyat Khan:** (a) No.

- (b) to (e) Do not arise.

## CLASSIFICATION OF POLITICAL PRISONERS.

**1768. Sardar Narain Singh :** Will the Honourable Member for Finance be pleased to state—

- (a) whether it is a fact that Lala Khushal Chand, Kaifi, Secretary, District Congress Committee, Gujranwala, was convicted under section 124-A, I. P. C. by Mr. Abdul Rashid, Magistrate, 1st class, Gujranwala, on 17th April 1930, and sentenced to one year's rigorous imprisonment together with a fine of Rs. 100.
- (b) whether it is a fact that he was recommended by the Magistrate to be put in 'B' class ;
- (c) whether it is a fact that the Government has ordered him to be put in 'C' class without assigning any reasons ;
- (d) what is the reason for altering the classification fixed by the Magistrate in this case ?

**The Honourable Sir Henry Craik :** (a) Yes.

(b) Yes.

(c) Yes.

(d) According to the information received by the local Government he did not appear, by social status, education, or habit of life, to have been accustomed to a superior mode of living.

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 SECURITY FROM THE PRESS.

**1769. Sardar Narain Singh :** Will the Honourable Member for Finance please state—

- (a) the number of persons who have within the last six months ending the 30th June, 1930, been asked to show cause why they should not be ordered to furnish security under Section 108, Cr. P. C. ;
- (b) the number of press men who have within the above six months been ordered to give security under Ordinance 2 of 1930 ;
- (c) the number of press men that have within the above period been hauled up under Section 108, Cr. P. C., for alleged printing of seditious matter ;
- (d) the number of press men that have within the above period been hauled up both under Section 108, Cr. P. C., and Ordinance 2 of 1930 ;
- (e) whether it is a fact that a magistrate on decision of a case under Section 108, Cr. P. C., has to intimate (by telegram or otherwise) the result of it to the Chief Secretary to Government, Punjab, the Inspector-General of Police, the Criminal Investigation Department or any other authorities ;
- (f) if the answer to the above is in the affirmative, why and under what law is this done ?

**The Honourable Sir Henry Craik :** (a) Three hundred and seventy-six.

(b) Forty-five.

(c) Three.

(d) Two.

(e) Deputy Commissioners are required to inform Government weekly of the number of prosecutions instituted under section 108, Criminal Procedure Code. Magistrates are not so required.

(f) It is not a question of law. Government wishes the returns partly for statistical purposes and partly to enable them to keep control over the institution of such prosecutions.

COMMUNAL REPRESENTATION IN THE SUBORDINATE EDUCATIONAL SERVICE.

**1770. Lala Mukand Lal, Puri :** Will the Honourable Minister for Education be pleased to state—

(a) the total number of persons newly appointed in the Subordinate Educational Service in the years 1927, 1928 and 1929.

(b) how many of them were Hindus, Muhammadans and Sikhs.

**The Honourable Mr. Manohar Lal :** In view of the answer given to Council Questions Nos. 1961—75<sup>1</sup> on 14th December, 1925, it is not proposed to collect further information in addition to what has already been given in the consolidated statement showing the proportionate representation of the various communities serving in the different departments of the Punjab as it stood on 1st January, 1930.

COMMUNAL REPRESENTATION IN THE SUBORDINATE EDUCATIONAL SERVICE.

**1771. Lala Mukand Lal, Puri :** Will the Honourable Minister for Education be pleased to state how many Assistant District Inspectors of Schools are there in the province at present and how many of them are Hindus, Muhammadans and Sikhs ?

**The Honourable Mr. Manohar Lal :** The statement giving the requisite information is laid on the table :—

| Total No. of posts of Assistant District Inspectors of Schools excluding Delhi Province. | PERMANENT ASSISTANT DISTRICT INSPECTORS OF SCHOOLS. |          |        |             |
|--|---|----------|--------|-------------|
|  | Hindus.   | Muslims. | Sikhs. | Christians. |
| 151  | 38  | 83       | 26     | 2           |

<sup>1</sup>Vol. VIII-B, pages 1167—1181 and Appendix VIII, page cxii.

## FOOT CONSTABLES IN JHANG POLICE.

**1772. Sayad Mubarik Ali Shah :** Will the Honourable Finance Member please state—

- (a) the number of the foot constables communitywise, recruited in the Jhang police since January last ;
- (b) the number of those foot constables who belong to the statutory agricultural tribes of the district ?

**The Honourable Sir Henry Craik :** (a) Eight Hindus, 4 Sikhs, and nine Muhammadans. Of these two Hindus and one Muhammadan have since resigned.

(b) Three.

## PUNISHMENT OF POLICE SERVANTS.

**1773. Sayad Mubarik Ali Shah :** Will the Honourable Finance Member please state—

- (a) the total number of the police servants who were punished departmentally or otherwise since January last ;
- (b) their number communitywise ?

**The Honourable Sir Henry Craik :** The information is being collected and will be supplied to the honourable member when ready.

## RESOLUTIONS.

RESOLUTION RE REDUCTION OF *ABIANA*.

**Mr. President :** The Council will now resume discussion on Mian Nurullah's resolution.<sup>1</sup>

**Chaudhri Baldev Singh** [North-West Rohtak (Non-Muhammadan), Rural] : Sir, I have great pleasure in supporting this motion for the reduction in *abiana*. In the last session of the Council in March also this question was raised, and then also I had to draw the attention of Government to the wretched condition of the zamindars in the South-east of the Punjab. Not only in the irrigated areas but even in the areas which are called *barani* and *chahi* the zamindars are suffering on account of the economic distress and the fall in prices. It is very difficult for them to pay even the land revenue because they have not grain enough even to feed themselves. Of course, it has been replied that Government cannot make the *abiana* fluctuate on the prices of the crops. This may be true, but this is a period of special difficulty for the zamindars in the South-east. I should like to point out that *abiana* would give relief only to that portion which is irrigated by canal water. The zamindars in other tracts also require relief and this can only be done by reducing land revenue. In Rohtak district there has been a great change in the minds of the zamindars on account of the various movements that are being propagated there. I should draw the attention of Government only to the two chief movements that are at present being carried on in the district of Rohtak. One is the Congress movement and the other is the Zamindar League. They are opposed to each other. While the Congress men ask the zamindars to

<sup>1</sup> Vide page 125 *infra*.

[ Ch. Baldeo Singh. ]

withhold land revenue and to take to civil disobedience the Zamindar League, on the other hand, asks them to pay their land revenue and not to take to civil disobedience. So in fact these two movements are opposed to each other, but as far as the zamindars go, their attitude is exactly the same. To point out how they have brought about a change in the minds of the zamindars in the Rohtak district, I should only point out two or three chief items of their programme. The Congressmen have since the day—I cannot say exactly whether it was the 24th or 25th of January—Independence was declared, have been telling zamindars that their land revenue should be reduced to half the present rates. They have made no secret of it and each and every zamindar has been approached by the Congress volunteers in this respect. They also claim that by reducing expenses on the army and higher services they will be able to bring down other taxes also to a certain extent. But they say that they are quite certain to bring down the land revenue to half its rates, and the method which they ask the zamindars to adopt is the non-payment of land revenue and the adoption of civil disobedience. Next they are approached by a semi-official body called the Zamindar League. The Zamindar League tell the zamindars that it is very dangerous for them to take to civil disobedience as the Government will forfeit their lands. But the League also says that land revenue should be assessed on the principles of income-tax, that is, no zamindar who has an income of less than Rs. 2,000 should be required to pay a single pie to Government. Thus these two, though coming from the opposite camps, raise the same hope in the minds of the zamindars. Rather the hope that has been raised by the Zamindar League, if realised would give more relief to the zamindars than that raised by the Congress. There is a difference between the methods, no doubt, but the ordinary zamindar knows that the difference in the method is only in name. The right method they think is that of the Congress, because they know that in spite of the constant appeals to Government through the Legislative Council for so long nothing has been done. That at least is the idea of the ordinary zamindar in our district now.

There also is the question of the fall in prices. Ordinarily the Zamindar League would say that on account of the recent disturbances the *banias* have stopped the export of grain, and therefore the price of grain has fallen. On the other hand, the Congress volunteers come and say that the prices of all the articles in India have fallen because the exchange value of the rupee has been fixed at 1s. 6d. by Government. Even the Maharaja of Bikaner in his appeal recently has stressed this point. I am not an economist nor are the zamindars of my district economists. They cannot sift these statements and they cannot form right opinion. Moreover, there is another difficulty in our district. They have been waiting for a long time for the Bhakra Dam, and their hopes have almost been shattered by this time. I was very much surprised to hear that the papers have not yet been submitted to the Secretary of State, though the Council passed a resolution about two years ago asking Government to do it at a very early date. I cannot see how the ignorant zamindars when approached by two different bodies, who hold opposite views, and yet are told by each that their condition is bad because the land revenue system is not based on

right lines, can but believe them. Both the bodies which are antagonistic to each other say the same thing to the zamindar. I cannot see how the zamindars can resist coming to the conclusion that somehow or other Government's land revenue policy is at fault. Anyhow the claim that the fall in prices is due to political unrest and political discontent is not acceptable to the zamindars because they are paying land revenue to Government and Government to them is all powerful. Therefore they cannot believe that Government which is so powerful cannot cope with this agitation, and allows the prices of grains to fall so much merely on account of the political agitation, and hence they expect relief from the Government in their distress. Under these circumstances, I should have liked that the word 'abiana' should have been replaced by the word 'land-revenue', but if cannot be replaced by the word 'land-revenue' anyhow whatever relief can be given to the zamindars should be given. I have full sympathy with the resolution and intend to vote for it.

**Sardar Harbakhsh Singh** [Hoshiarpur and Kangra (Sikh), Rural] (Urdu) : Sir, I had no intention to speak on the resolution under consideration but the speech made by the honourable Financial Commissioner, Mr. Calvert, has provoked me to express my views on the point. There is no doubt that if this resolution is given effect to, it will tell heavily on the Government exchequer. But it is for the Government to devise means to make up any deficiency that may thus be caused in the budget and to make necessary adjustments. We are here to represent the case of the zamindars and to put before the House their difficulties. Their plight is most miserable and they cannot afford to pay even the land revenue. It is our clear duty to bring home to the Government the hardships under which the zamindars are now labouring. If we fail to represent their case they would be perfectly justified in saying that we their representatives are here only to serve our own ends. Besides there is an imminent danger of the zamindars being driven to the political movement. It is for us as well as for Government to see that the zamindars keep aloof from the present Congress movement. In view of this political danger we feel called upon to urge on Government the advisability of relieving the zamindars of their present distress. Moreover, Sir, the minute distinction drawn by the honourable the Financial Commissioner between the *barani* and *chahi* lands on the one hand and the canal irrigated lands on the other hand is not at all justified. At present we are only concerned with the question of affording some relief to the zamindars in general. Sir, this question equally relates to the big and petty zamindars. It has also been said that if the honourable mover's proposal is accepted only the big landlords would stand to gain and the petty zamindars would remain where they are. I beg to submit that it is not correct. I have seen several lease deeds in which it has been agreed to by the parties that the lessee would be responsible for paying up the land revenue and other Government charges regarding the land leased out to him. Therefore it is wrong to say that if proposed reduction in *abiana* is made only big landlords would gain and not the tenants or cultivators. It has also been said that reduction in *abiana* would afford relief only to the zamindars owning canal irrigated lands and the zamindars of the *barani* and *chahi* tracts, although they are the most deserving people, would not benefit in the least. My submission is that it is not the question of Lower Chenab and Bari Doab tract only. This



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matter relates to the whole of the Punjab. The zamindars of the various districts of the province have gone to the colonies and settled there and therefore if reduction is made in *abiana*, the benefit would accrue to the whole zamindar population of the province. If the zamindars of the colonies are dissatisfied and begin to agitate the whole zamindar population of the province is sure to follow suit and get effected owing to the influence that they shall wield. I would, therefore, request the Government to take time by the forelock and reduce the *abiana* rates as proposed by the honourable mover of the resolution under consideration. It was stated yesterday by the honourable the Financial Commissioner that till 1924 no increase was ever made in water rates or rather that the water rates went down and down, but in that year in view of the abnormal rise in prices water rates were enhanced. Now when prices of produce have considerably gone down, I ask, is it not advisable to act upon the same principle according to which water rates were enhanced in 1924? Sir, when these canals were constructed, it was these poor zamindars who went hundreds of miles away from houses, risked their lives in clearing out the jungles and brought the lands under cultivation. But when the jungles have been turned into gardens by the efforts of the zamindars, I am sorry to remark that Government has become utterly regardless of the interests of the zamindars now, and have begun to sell water. I would say that Government is not at all justified in selling water which comes down from the Himalayas and which is not being brought from England, nor has the snow in the Himalayas become dear. Moreover Sir, we should not be carried away by the idea that if reduction is made in the *abiana* how are we to carry out the schemes regarding the spread of education and sanitation in the province. It is the foremost duty of the Government to afford relief to the zamindars so that they may not be tempted to side with the Congress people. As all of you are aware of the fact that of the eleven points put forward by Mahatma Gandhi one point was that land revenue rates should be reduced to one-half; it was only a diplomatic move on his part to please and win over the zamindars to his side, although our personal view is that the assessment of land revenue should be governed by the same principles on which the assessment of income-tax is based, and this should have been urged by the Mahatma. But just consider the position that while even the Congress leaders think it advisable to have the present rates of land revenue reduced to one-half the Government is not prepared to budge an inch even in the case of *abiana*. In my opinion the Government would be well-advised to give up its present die-hard attitude otherwise the consequences that might follow would not be desirable. It is just possible that the zamindars hard pressed by their circumstances and on the instigation of the Congress may go to the length of refusing to pay land revenue if they do not receive relief from Government. Therefore, it is high time that Government should take steps that matters should not assume such serious form. Sir, you can postpone the question of reducing land revenue and *chaki* rates till the time of next settlement but you can reduce the water rates at any time you like. If you would accede to the wishes of the zamindars in this matter they are sure to turn deaf ears to the solicitations of the Congress. The other day an honourable member of the House stated to me that about more than one hundred persons had been arrested in Sheikhpura district for non-payment of

land revenue. Sir, it is a very serious political matter and deserves our most careful consideration. No one can deny the fact that in these days it is very difficult for a zamindar to keep his soul and body together. He has to sell a big heap of grain to procure a single rupee under the present low rates of prices. If you cannot see your way to permanently reduce the water rates, you had better reduce them temporarily till such time as the prices of produce are low or the political movement subsides. If that is done the zamindars would feel grateful to the Government and we would be able to ask them to keep aloof from the Congress activities. Sir, the zamindars are loyal to the Government and consider them their "Badshah". The latter should according to the Persian couplet

برمن مہنگر ہو کر کم خویش نگر

come forward to their rescue. Please consider this matter calmly and impassionately and do not be carried away by the speech of my honourable friend Mr. Calvert in which it was said that the present case was a test case and that it would be seen whether or not we were fit for provincial autonomy. Sir, these threats are meaningless. The zamindars are in a fix. It is very difficult for them to make both ends meet. You must be prudent and not drive the zamindars to the extremes. We shall see how to act when the provincial autonomy comes. We will probably then be able to remove the anomalies of the land revenue and the income-tax. Sir, this is the last session of this Council and I take this opportunity to request the Government that they should agree to afford some relief to the zamindars at this critical juncture. I would also ask the honourable members of this House to lend their whole hearted support to this resolution. I hope the Government would see their way to reduce *abiana* as proposed by the honourable mover of the resolution by 25 per cent. at least temporarily if not permanently.

**Sardar Jawahar Singh** [Lahore (Sikh), Rural]: Sir, the prices of the staple agricultural commodities have gone down decidedly by 60 per cent. and the honourable mover of this resolution has asked reduction of only 25 per cent. There would have been justification if he had asked for a reduction of 50 per cent. I am not unaware of the fact that this reduction will tell heavily on the Government exchequer, but this is no reason why this justice should not be done to the zamindar community. I desire to urge upon this House that if the Government withholds this even-handed justice from the zamindars and persists in the present harsh policy of *abiana* there is an immediate political danger. I may point out that in village Bhullar, District Amritsar, the zamindars have refused to pay the land revenue. What to speak of *abiana*? It is given in the *Tribune*, dated the 20th July 1930. I may be allowed to read this passage. It runs thus:

"The residents of village Bhullar are reported to have refused payment of land revenue on account of cheaper prices of grains."

So, my contention is that the people are much hard pressed and under the circumstances they have not earned sufficient even to pay land revenue, not to speak of *abiana*. I will, therefore, submit that 25 per cent. reduction is not much and I hope that my friends, non-zamindar members of this House would support us in this matter, because this is a very important matter. It affects every zamindar, whether he is a big landlord or petty

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zamindar holding a few acres of land. I also urge the Government benches that they should also support us, because by supporting us they will allay the discontent of the zamindars and then we are sure that their political activities will cease, and if the Government persists in following its present policy, then I may bring to the notice of the House that the scene of Bardoli may occur in the Punjab province. For these reasons, if not others, I as a zamindar heartily support this resolution and ask the House to reduce the *abiana* by 25 per cent. if not more.

**Rana Firoz-ud-Din Khan** [South-East Towns (Muhammadan), Urban] (Urdu) : Sir, some of the honourable members while supporting the resolution under consideration on various other grounds were profuse in making mention of the undoubted loyalty of the zamindars to the Crown. I am at one with Raja Sahib when he says that it is not at all necessary to make a parade of this loyalty of the zamindars. I wonder why Government is reminded at every step of this fact about which neither the Government nor anybody else has ever expressed any doubt. In my opinion every case should be decided on its merits. We should see whether this demand of the zamindars is reasonable and justified. What a funny thing the honourable member from Hoshiarpur (Sardar Hartabsh Singh) has said—

12 noon.

پرمیں منکر ہو کر اچھڑدیں نگر

The honourable members of the House are not beggars. Every question that comes up before the House should be dealt with according to its merits. We should not look for charity. Even supposing that *abiana* is not a tax, but the price of the water used by the zamindars for irrigation purposes, the price, much depends on the purchasing power of the customer. If he is well off he may afford to pay a good price. But if, on the other hand, he is poor he would not be able to pay a handsome price. Now when the zamindar has fallen on bad days, is it not in the fitness of things to reduce the price of the water he uses? It has been said that the zamindars of the *barani* tracts have as much right to the water of the rivers and canals running in the province as the zamindars of the canal irrigated area have got. That is true, no doubt. They are entitled to participate in the net gain. But the Government should not attempt at getting enormous profits out of irrigation returns. The honourable the Financial Commissioner while making out this point made a mention of the Hoshiarpur, Jullundur and some other districts of the province and observed that no member had ever advocated the construction of irrigation works in those districts. With regard to the Hoshiarpur and Jullundur districts it was proposed more than once on the floor of this House that the water that comes down from the Shiwalik mountains should be utilised for irrigation purposes. It was also brought to the notice of the Government that the water level of wells in these districts had considerably fallen. An enquiry was also held into this matter. I wish that this sympathy to which expression has been given by the Financial Commissioner had taken practical shape. With these preliminary remarks I would now like to say a few words in connection with

the resolution under consideration. The honourable the Financial Commissioner has said that the fall in the prices of the produce is immaterial so far as the enhancement or reduction of water rates is concerned. I do not think that it is correct. When water rates were enhanced one of the reasons for enhancement was that abnormal rise in prices of produce had made the zamindars very rich and, therefore, they should be made to pay something more to the Government exchequer. Consequently the Government enhanced the water rates. But, now when the prices of commodities have considerably gone down I see no reason why water rates should not be reduced. As regards the point that any reduction would injuriously affect the *barani* districts, I may point out that people from these districts are settled in colonies and so any relief to the colonies would benefit these districts too. Therefore the whole zamindar population of the province would stand to gain if proposed reduction is made in *abiiana*. But, if we consider how much money is being actually spent on the general development of the province we would come to know that a sufficient amount is being spent for the welfare of the zamindars of the *barani* tracts.

The Government in calculating net income from irrigation have taken into consideration only the actual amount of *abiiana* realised from the zamindars. They have not included in their calculations the sum of two crores and forty lakhs of rupees which accrues to them in the form of indirect credit (land revenue due to irrigation). If we take also this amount into consideration we shall see that 20 per cent. gross profit accrues to Government from irrigation.

**The Honourable Captain Sardar Sikandar Hyat Khan :** Where from did you get these figures ?

**Rana Firoz-ud-Din Khan :** From the Budget volume. If we take into consideration all the items of expenditure on the maintenance of the canals and deduct the same from the gross income that accrues to Government and if we also deduct the interest charges, the net profit that accrues to Government amounts to  $8\frac{1}{2}$  per cent. on the capital outlay.

**The Honourable Captain Sardar Sikandar Hyat Khan :** That is quite correct.

**Rana Firoz-ud-Din Khan :** Now, if we reduce *abiiana* rates by 25 per cent., our income would decrease by 115 lakhs, or in other words 4 per cent. on the capital outlay, and the net profits would be reduced to  $4\frac{1}{2}$  per cent. on the capital, which is quite reasonable, as we are paying interest at the rate of about 4 per cent., our net profits should not much exceed that rate. Thus even after proposed reduction sufficient margin of profit would be left to Government to be spent on the development of the province. Another objection raised against this resolution is that the expenses incurred by the zamindars of the *barani* tracts for the irrigation of their lands far exceed the water rates, which the zamindars of the canal irrigated areas have to pay for the same purpose. I beg to differ from it in as much as a zamindar of the *barani* tracts ploughs his lands and works the well with the same pair of oxen. He has not to incur any extra expenditure for working the well apart from ploughing the lands. It is, therefore, obvious that this argument does not hold good. It has also been argued that when zamindars cannot afford to pay water rates why they do not leave their lands or refuse to take

[Rana Firoz-ud-Din Khan.]

water. But Sir, the question is, after leaving their lands whither should they go or what should they do? They solely depend on agriculture. How can they give it up? I would not take up the political aspect of this question. According to the Persian maxim—

روز مملکت خویش خسروان داند

It is for the Government to consider that aspect of the question. I would simply say this much that if reasonable requests of the people are not acceded to by Government the consequences that would follow can well be imagined. Look at this demand of the zamindars from any point of view and you will find that it is most reasonable and most moderate. The produce of lands has decreased. The price of the produce has also fallen.

One point more and I shall have done. If proposed reduction is made in *abiana* our net income would decrease by one crore and fifteen lakhs of rupees. Now we have to see how this loss in the revenues could be made up. A committee should be appointed to suggest ways and means for making up this deficiency. But I may point out that there is great scope for retrenchment and consequent saving in the irrigation department itself. In my opinion the Superintending Engineers have nothing to do. Their posts and their establishment can well be brought under reduction. Sir, you are maintaining a top heavy administration. You can easily bring under reduction the posts of Deputy Collectors, Zilladars and canal Patwaris and their duties can better be entrusted to revenue authorities. Certain other reduction can also be made. The tax payer is sure to gain by this arrangement. The zamindar would also be saved from inconveniences resulting from the dual system. With these words I whole-heartedly support the resolution under consideration.

**Pandit Nanak Chand** [Hoshiarpur (Non-Muhammadan), Rural]: Sir, this resolution has evoked a very interesting discussion and it is time that the other side of the picture should also be presented to this House. The resolution asks that there should be reduction in the *abiana* on account of the prevailing distress in the rural areas. There would be nobody in this House who would not admit that there is acute distress all over the Punjab among the various sections of the people. Not only is there acute distress among the *nehri* zamindars but among the *chahi* zamindars and the *barani* zamindars there is an equally large amount of distress. Not only among the agriculturists, again, but among the non-agriculturists also, much poorer than the *nehri* zamindars, there is a large amount of distress. That nobody will deny. My honourable friends who sit on the opposite benches will not deny that there is acute distress prevailing all over the province. I would have readily given my vote in favour of this resolution, but I cannot ignore the fact that if this resolution were accepted there would be greater misery falling upon the shoulders of those who are unable to bear any further burdens. We have been told that there would be a deficit of one crore in the revenues of the State, if this resolution were accepted. We are face to face already with a deficit budget. Only in the last session of the Council in March we were discussing this fact that we are face to face with a deficit. And this one crore would be added to the existing deficit. I say that if there are any class of people who deserve our sympathy on account of the

prevailing distress among the zamindars it is those who live in tracts where there are no canals, who live in places where the rainfall is scanty, where people find it extremely difficult to get even one meal a day. I know of cases in the Hissar district where people who at one time were in a flourishing state now find it difficult to get even one meal a day. The question then is whether these zamindars also should be helped in any manner or not. If they are to be helped in a like manner, the deficit would not be one crore but much more than that, it might come to two or perhaps three crores. Then we have to see how the Government machinery is to run. There are two or three methods of finding out money for running the machinery of Government. One is that you should have more taxation. Is there anybody in this Council who could say that there could be larger taxation on the people of the Punjab. I believe there would not be one voice whether on the zamindar benches or on the non-zamindar side, either amongst the Hindus or Muslims or Sikhs which would say that the province is prepared to shoulder additional taxation. We must, therefore, rule out that course altogether. (*Pir Akbar Ali*: Yes, because all the taxes are paid by the zamindars and not a pie is paid by the non-zamindars). I will accept what my honourable friend has stated. He says that zamindars should be exempted from taxation. (*Pir Akbar Ali*: No, I did not say so). The point of my honourable friend was that the zamindars should be exempted from further taxation. I challenge my friends on the other side of the House to state whether anyone of them is prepared to support the demand for a further taxation. Are they prepared to come forward and say that they are prepared to bring forward a bill for taxing such and such classes? It is no use trying to make electioneering speeches in order to catch votes at the coming elections. I ask them a definite question, whether there is any member in this House who is ready to come forward with a proposal that the Council should vote additional taxation which would be necessary in order to make up for the past deficit and for the deficit which would accrue on account of this relief which is being suggested by putting forth this proposal.

Now, the next question is that we must not have additional expenditure. Sometimes Government comes forward with some supplementary demands for additional expenditure, but throughout my experience in this Council during the past seven years has been, that whenever proposals for additional expenditure come forward it is these zamindar benches who have supported that additional expenditure. Not a word of criticism excepting on one or two occasions has been expressed on the occasion of these demands asking the Government not to put forward this additional demand. I remind my friend of what Rana Firoz-ud-Din Khan said. He asked why it was that loyalty was being paraded times out of number in this House by zamindars. It was this loyalty to which these honourable members sitting on these benches were referring to, when they said that whenever Government comes forward with an additional expenditure for supplementary demands it is we who get up out of our deep loyalty to Government and pass them. If this is so, then the proper course for these gentlemen and other gentlemen is not to allow any additional demand to be passed unless they have thoroughly scrutinized it and have

[Pandit Nanak Chand.]

found that it is absolutely essential for carrying on Government. I am not one of those who would like to throw out the budget or demands merely on the ground that the Government should be brought to a stand still. But we would be giving a proof of our honesty of purpose if we criticise and see these demands and after going through these demands we give our votes. But that is not the case. Then there is another method of putting down expenditure and that is by curtailment of the additional expenditure and it is on this subject that the honourable members have laid the greatest stress. You must curtail expenses, you must do away with this department or that department in order to give relief to the *nehri* zamindars. Now, one honourable member got up here yesterday and he stated in so many words before the whole House that the Department of Agriculture should be abolished. I ask, are the honourable members sitting on those benches serious? (*Many voices: Yes.*)

**Pir Akbar Ali:** We want a new department, consisting of agriculturists and not of non-agriculturists.

**Pandit Nanak Chand:** Do you really mean that the Department of Agriculture, as it stands, to-day should be abolished? If these gentlemen bring forward a demand they can count upon my vote. They will certainly get my vote if they have the courage to bring forward a demand like this. I know that during the last four or five years whenever there was a question of the Agriculture Department even for one post, the whole House has turned into a communal wrangling den and the demands of the Department of Agriculture have always been fought on communal issue. But it is no use to come forward at the fag end of the session of this Council and say that we are prepared to do away with the Department of Agriculture in order to give relief to the *nehri* zamindar and not to the *barani* zamindar who also depends upon the support of the Government, not to the poor population of the province, not to the labourers or artisans, but to the *nehri* zamindars who do make sometimes profit enough and sometime do suffer a loss. That was one of the suggestions made by one honourable member. I submit that that suggestion is ridiculous on the face of it and that you cannot do away with the Department of Agriculture, if you want to see that there should be larger production, that there should be better methods of Agriculture (*Hear, hear*). Then it was suggested, why not people do away with medical relief, with hospitals, with sanitation? But times out of number it has been pressed on the Minister for Medical Department that there are no hospitals in the rural areas, that there are no dispensaries, there is no doctor here and no doctor there. I, therefore, cannot understand how in one breath you come forward with these demands that you should uproot epidemics, plague and diseases, you should build up a better manhood and on the other hand when this question of *abiana* comes forward you come forward and say that these people who do not depend upon canal irrigated areas should be deprived of the benefits of hospitals and dispensaries and of those beneficent departments which every civilized Government ought to undertake for the benefit of the people at large. Then another gentleman stated "we do not want education if you do not reduce the *abiana*." This is another suggestion made by a member of the House. A few days ago this

House unanimously adopted a resolution on what is called compulsory education and a compulsory education committee was appointed in order that there should be compulsory education throughout the length and breadth of the province. (*Interruption*). I will come presently to the University, but let me deal with this question. When you ask for compulsory primary education throughout the length and breadth of the province, how can you come forward and say, curtail your expenditure on education so that this *abiana* should be reduced. I ask which is that department or a part of the department which the honourable members wish to see abolished. Whenever the question of police comes here, votes are given for the police, when the question of Executive Government comes forward votes are given. You cannot carry on Government like this. Are you serious in saying that any of these departments should be abolished so that a few zamindars of the *nehri ulqa* should be helped? Then another suggestion is brought forward and what is that suggestion. That those officers who draw high salaries their pay should be curtailed. One honourable member went so far as to say why should the Ministers draw Rs. 5,000 a month, why should the various officers draw so many thousands a month? They should be content with less. But that very honourable member came forward some time ago and asked for increase in the pay of Tahsildars. I have seen resolutions tabled in this House saying that Government servants are not paid sufficiently and that something more should be given to them. I would like to know whether these members are serious. They put forward proposals for the increase in the pay of officers when it suits them. I have seen many times many enthusiastic and heated speeches delivered in this House saying that the European officers draw very high salaries and asking why Indians should not be paid at the same rate. They forget that these Europeans have to come from seven thousand miles and require some allowance. We should be content with less. But then the question of equality is raised and every section of the House gets eloquent and says that there must be equal salaries. They ask, why should these men coming from Europe draw three thousands and why Indians of the same qualifications and status draw less pay? I ask if you come forward with one proposal at one time and with another at another time, surely you cannot say that you are dealing with this very important problem in a serious manner. I invite the attention of my honourable friends to this serious problem which must be dealt with in a serious manner. It is no use bringing remedies and suggestions which are on their very face unreasonable and cannot be entertained for a single moment. Still if there is going to be a committee as suggested by my honourable friend, Rana Firoz-ud-Din Khan, I would be one of them to support that committee. But when the suggestions of that committee come up for reduction of expenditure, I challenge that those would be the benches who would support that there should be no reduction and the past history of this Punjab Legislative Council shows this to be true. Then I submit that if you are so magnanimous, then sometime you must pay the price of magnanimity and you must not ask other people to pay that price. What would be the fate of this resolution. The fate would be that the Government would be compelled to find this additional one crore and 15 thousands. But how is that to be got? Is that going to fall on the *barani* or the *chahi* lands?



[Pandit Nanak Chand.]

Unfortunately I come from a district which has got no canals, where the land is destroyed by *chas*, where two rivers destroy the fertility of the soil, where water is going down and down and the zamindars find it difficult to carry on cultivation and to make their two ends meet. Do you call upon that zamindar to pay this additional burden of a crore and 15 thousands? (*Voices: No*). Do you ask the Kangra people who live close to my district where there are no canals, do you ask the poor people of Kangra to pay this additional burden? (*Voices: No. We ask the rich people of Lahore to pay this*). My honourable friend Chaudhri Chhotu Ram the very other day opposed a resolution of my honourable friend Chaudhri Ram Singh because it related to the Kangra district mainly because it proceeded from Chaudhri Ram Singh (*A voice: Yes*). If this is so, then how can you expect the people of Kangra, Hoshiarpur, Rohtak and Hissar to stand by this resolution and vote for this additional one crore and 15 thousands to be taken out of their pockets? Now, Sir, my honourable friend, Chaudhri Chhotu Ram, asked what about commercial classes? If Chaudhri Sahib had been reading the history of the Punjab during the last few months with his eyes open he would have found that there is a great depression of trade, that these people are the hardest hit. I know personally of people who on account of the various movements that are going on in this province have gone bankrupt. They have not got anything to live upon. Then, how are these commercial classes going to pay this one crore and 15 thousands? Then there are the professional classes, and I ask how much can you get out of the professional classes? I know of people, when trade has gone down, when agriculture has gone down, who cannot be expected to get enough for themselves. You cannot expect the lawyer to flourish, you cannot expect a doctor to flourish. I know of cases where lawyers are not making even their living, whereas these people from *nehri ilaqas* can at least make their living. Then, are you going to extract this crore and 15 thousands from these professional classes? Are you going to ask these professional classes to make up for this large deficit? If not, whom else are you going to ask to make up this deficit? One honourable member got up the other day and said that the rich zamindars are not clamouring for the reduction of *abiana* in their own interests but in the interests of the poor *nehri* people. But I remind you of the history of the *abiana*. When *abiana* rate was to be raised we sitting on these benches made a proposal, namely, that those zamindars who do not get 50 per cent. of their lands irrigated by canals their *abiana* should not be increased, that is to say if there is a canal commandable area of 100 acres, the owner who does not generally find water enough to irrigate 45 or 47 acres should be exempted from the increase. The Government was ready to accept that suggestion. Sir John Maynard was ready to accept that suggestion; but these big zamindars, knowing that they would not benefit by this proposal withdrew their resolution. That was in 1924-25.

**Mr. President:** The honourable member has taken more than 20 minutes. May I request him to wind up his speech?

**Pandit Nanak Chand:** I am just going to wind up, Sir. I submit that if there has been a proposal to give some sort of temporary relief to

these people who are hard hit, I would have given my vote for it. The canal water does not belong to one single community. It belongs to the whole of the Punjab and the whole of the Punjab should get the benefit. I therefore oppose this resolution on the ground that the greatest burden will be placed on the zamindars who live in places like Hoshiarpur and Kangra.

**Mian Mushtaq Ahmad** [Muhammadan, Landholders], (Urdu): Sir, the honourable mover, by bringing forward this resolution, has not only made the Council aware of the conditions obtaining in the rural areas and ventilated the genuine grievances of the zamindars, but has also done valuable service to the Government. He has afforded an opportunity to the authorities to grapple the situation in time. It is too well-known to require mention that we the zamindars of the province have never requested the Government to render us any help except under very critical circumstances. On the other hand, we have always lent our support without any hope for rewards whenever the call has come from the Government or whenever the best interests of the country have demanded that we should be up and doing. It is, therefore, in the fitness of things that the Government should not grudge giving us help which we badly require at this juncture. The honourable mover of the resolution, by quoting facts and figures, has made it abundantly clear that under the present conditions, when the prices of agriculture produce have abnormally fallen and when the Government dues remain the same as before, the zamindars are unable to eke out their living from the income of the lands and I need hardly cover the same ground over again. In the face of these hard facts which are undeniable, it did not lie in the mouth of the honourable Pandit Nanak Chand to say that this resolution should not be acted upon. I was surprised to hear him opposing this resolution with such vehemence. He ought to know that by this attitude of his he has very much disappointed the zamindars (*A voice*: It is not the first time that he has adopted this attitude). But I have known it for the first time that he could disregard the feelings of the zamindars in such a manner. He contended that because the resolution meant to give relief to the zamindars alone, he could not lend his support to it. He was further pleased to say that if it had been proposed to afford relief to other sections of the population of the province, who are in his opinion, equally feeling the acute economic distress at this time, he would have persuaded himself to vote for such a proposal. But that shows that he does not possess in abundance that spirit of toleration which alone can win support from the opponents for the cause of those for whose welfare he seems to be so anxious. The honourable member did not stop at that. He went further and renewed the efforts made by others to create a gulf between the big landlords and the smallholders. To that a befitting reply was given yesterday by my honourable friend Sayad Muhammad Husain who said that the big landlords were prepared to agree to any reasonable measure which may be adopted for the protection of the interests of the small-holders. I, as a representative of the big landlords, give the same assurance and am prepared to vouchsafe that the big landlords will never grudge any help to their brethren in profession as they have never done before. In this connection I may remind the honourable member for Hoshiarpur (Pandit Nanak Chand) that the relief that is sought by this resolution will not go to benefit the big landlords.

[Mian Mushtaq Ahmad.]

alone. A much larger share and I should say a lion's share of this relief will go to the small land-holders as was pointed out by my friend Sayad Muhammad Husain yesterday. To quote the exact figures 75 per cent. of the proposed reduction in *abiana* will go to benefit the small-holders. I may also tell the honourable member, if he does not already know that the tenants will also gain by this proposed reduction because they have also to pay a part of the *abiana* to the Government. I really wonder at the attitude of the honourable member and others of his way of thinking who, sometimes, go so far as to advise the small-holders to stop paying *abiana* and other Government dues, but who are now opposed to the resolution which is calculated to benefit that very class of people to a great extent.

While opposing this resolution one honourable member remarked that during the Great War when the prices of the produce of lands had gone very high, no enhancement was made in the *abiana* and now when the prices have fallen, it is not reasonable to demand reduction in the water rates and the loss must be made up from the wealth that was amassed in those days. The honourable member should know that if any savings were made by the zamindars in those good old days, they have since been spent in the service of the Government and the country in an indirect manner. We have been always generous to meet the demands of the Government and it now behoves it to be generous in turn in our dire necessity. We have been and we are paying much more than any other section of the population to fill the coffers of the Government as a look at the huge difference on the amount that accrues from land revenue and that from income-tax will show and if some of this burden is reduced or even shifted to the shoulders of other people, where lies the harm? The resolution has been opposed on another ground as well. It has been stated to us that if the proposed reduction is made the beneficent departments will starve. I ask, for whose benefit these departments are being run? Surely they are being run for our good. But how will these departments serve us if we are going to starve for the sake of maintaining these departments? We want food before anything else and we will not mind if even the Agricultural Department, which exists mainly for the good of the zamindars, is abolished altogether to afford the zamindars that relief that is most needed at this time.

It was hinted from some quarters in this House that this resolution and the speeches supporting it were being made to secure votes in the coming elections to the Council. That may appear plausible, but that is not the end in our view. The situation is really critical and I fear that the time is approaching fast when the zamindars might refuse to take supply of water for the irrigation of their lands unless of course the conditions materially change. I wonder why the price of water has not been reduced when the prices of the produce of lands have abnormally fallen. It has been argued that the cost of the maintenance of canals comes to three rupees and six annas per acre of lands that are being irrigated by the water from canals and that if *abiana* is reduced as proposed, the income will not exceed three rupees per acre of land. Admitting that it is true, it is not beyond the power of our Government, with so many sources of income at its disposal, to make up the loss particularly when the zamindars are quite unable to bear the burden.

at this time. When the zamindars can make sacrifices and can offer money as well as men in any emergency, it will not be much to expect from the officers of the Government to agree to the reduction of their salaries. The zamindars of the province have given ample proofs of their fidelity to the Crown on many occasions and we now expect the Government to give proof of its sympathy to the zamindars in their hour of difficulty and helplessness. If the Government is really anxious to show that it feels our difficulties, it should not lose this golden opportunity and should accept the resolution without demur. The zamindars are the back bone of the province if not of the whole country and Government will not be well advised to treat them indifferently. With these words I strongly support the resolution.

**The Honourable Captain Sardar Sikandar Hyat Khan** (Revenue Member): Sir, after the lucid and telling speech made by the Honourable the Financial Commissioner for Development yesterday, there is not very much left for me to say on the subject and I would therefore confine my remarks to just a few general observations and in doing so, I will try to meet some of the criticisms made by the honourable members during the course of the debate. Sir, there is just one thing which I will mention at the very outset and it is this. Some of the honourable members on those benches in their speeches started by levelling a charge against Government of being unsympathetic to the interests of the zamindars. Sir, if that was done for the sake of rhetoric alone, even then I must say that it was a very unjust and unfair criticism in view of the achievements of this legislature during the past 9 years. The debates of this House, if perused, will make it abundantly clear that if anything, Government has, on the whole, been sympathetic to the zamindars and their legitimate demands brought before the house in the shape of legislation, or in the shape of resolutions or otherwise; these have always been sympathetically dealt with and most of them have been accepted. I remember the honourable member sitting on my right once made a remark that this House was meant for the benefit of zamindars and that the present reformed Government was also being carried on for their benefit. (*Dr. Gokul Chand, Narang*: Is that wrong? Do you endorse my remark?). Well, Sir, I need not comment on that point, but I would like to mention that when the Simon Commission was here one section of the people in this province opposed any further advance on the ground that if a zamindar oligarchy comes into power the fate of the other classes is sealed. (*Pandit Nanak Chand*: May I ask the honourable member to whom he is referring? I never said anything of the kind). I am not referring to you. The Honourable Financial Commissioner yesterday touched on this subject, but I want to impress further upon the honourable members sitting on those benches that the constitution has not been drawn up yet and that there are still many stages before that constitution will become an Act. There is the Round Table Conference and there is the Joint Parliamentary Committee, and eventually the Act will have to be passed by the British Parliament. I warn the honourable members in these benches not to support the contention made before the Simon Commission to which I have only just referred, and I hope that the honourable members will show the same sense of responsibility in the case of this resolution as they have shown during the course of last nine years.

[Hon. Capt. Sardar Sikandar Hyat Khan.]

Then, Sir, the member from Mian Channu and the honourable member opposite (Sayad Muhammad Husain) made a criticism against the Department that the maintenance cost was very high. If you look at the Budget figures for maintenance and repairs for the last two years, you will find that they are much lower than the figures for the preceding years, and I can assure the House that the Chief Engineers and other officers concerned are constantly on the watch and are always endeavouring to reduce expenses whenever it is possible to do so, and above all the vigilant Finance Department takes very good care that expenses are not allowed for purposes other than those which are absolutely necessary. At the same time I can give them this assurance that Government will continue to scrutinise the maintenance and repair and other expenses on canals in future and that if there is any possibility of further reductions, no opportunity will be lost to make such reductions.

I wish to dwell for a moment on that part of this resolution which seeks to relieve distress amongst rural areas. So far as the resolution itself is concerned, it runs: "That in view of the abnormal fall in prices of staple crops and the prevailing economic distress in rural areas the rates of *abiana* be forthwith reduced." It cannot be denied that the wording of the resolution is contradictory. The honourable member wants to give relief to the people in rural areas, but he wishes to confine that relief to that class of rural people who are comparatively better off. This point has been laboured by several members and I need not dwell on it any further.

The honourable mover mentioned at the outset of his speech that a resolution for reduction of *abiana* was brought in the year 1924 and that the zamindar party had been bringing it to the notice of Government time and again and therefore it is necessary that Government should accept it. But, does not that show that the present resolution is not in reality meant to give relief to the poor people? It shows that it is rather meant to give relief to the richer people, because if a similar resolution was brought in 1924 when the prices of staple crops were much higher, it shows that the trend of the rural members here is not so much as to give relief to the smaller zamindar as to the bigger land-owner. So far as the enhancement is concerned, I think some of the honourable members who were here in 1924 will remember the very lively debate we had on that subject in this very Chamber. I might refresh the memory of the honourable members by saying that when the increased water-rates were enforced it was considered that an additional income of 80 lakhs would accrue. But various representations were received and after the matter was discussed in this Council, Government agreed to revise those rates and as a result of this revision the amount was reduced from 80 lakhs to 55 lakhs. Later on Government further reduced the rate on fodder crops from Rs. 3 to Rs. 2 per acre on all perennial canals as well as on those inundation canals where the rate was higher than Rs. 2. By this reduction Government further remitted Rs. 16 lakhs per annum. Then subsequently a further reduction was made whereby Government remitted another  $7\frac{1}{2}$  lakhs per annum. In addition to this more fodder crops were added to the list of fodder crops which gave a further reduction of approximately 2 to 3 lakhs. Or in all out of the 80 lakhs originally intended to be levied the rates now being paid bring in only 29

to 30 lakhs over and above the 1923 *abiana* figures. So, the honourable member cannot say that Government wanted to take out extra cash amassed by the zamindars during the war when prices were high. The honourable the Financial Commissioner yesterday made it quite clear by quoting figures that if the honourable member's resolution was accepted it would mean an actual loss. I may point out that this loss would be somewhere between 20 to 26 lakhs per annum. In the circumstances, can anybody in this House expect that Government can countenance a proposal which would convert their canals from a profitable business into a losing concern?

As you are aware, Sir, the water rates on practically all the canals are more or less uniform and this uniformity is necessary in order not to burden the zamindars on those canals where the capital expenditure has been greater than in the case of older canals, and consequently interest charges are higher and the profits smaller. It is for this reason that the book profits on some of our older canals where the capital spent was comparatively much less owing to cost of labour and material being cheap, are smaller than on other canals. I might point out that the Sutlej Valley Project is being run at a loss at the present moment and if we reduce the rates on the Lower Chenab Canal or one or two other canals which give us a profitable return it would mean, a proportional increase in the rates on those canals which are at present not paying their way.

There is one other important aspect of the question to which I wish to refer and that is to call the attention of the House to the Bhakra Dam and the Haveli Projects. As you are aware, all irrigation schemes have to be prepared and submitted to the Government of India and through them to the Secretary of State for his sanction before any work can be started. One of the main essentials in any such scheme is that it should be productive. If we reduce the rate by 25 per cent., as desired by the honourable members our present canals as already explained would be running at a loss. I am afraid that this resolution if carried out would very seriously prejudice the fruition of those two projects because unless we can assure the Secretary of State that it is going to be a productive project it would be difficult to get the sanction of the Secretary of State. As the honourable members are aware, those two schemes are at present under consideration, and we expect that some time at the end of this year one of these projects at least would be completed, so far as the plans and the technical side are concerned, and would be ready to be submitted to the Secretary of State. But if this House were to press this resolution and force it through this House, I am afraid the chances of that scheme coming to fruition would be extremely remote.

Reference has been made to the political aspect of the question also.

1 P.M.

I wish to point out and I hope that the honourable members also realise that to a very large extent the present difficulties not only of zamindars, but of traders also are due to the illegal and undesirable activities of agitators who, for selfish and short-sighted reasons, do not keep the interests of the province before them. It is a matter for considerable gratification that zamindars on the whole have kept aloof from this subversive propaganda. But, at the same time,

[Hon. Capt. Sardar Sikandar Hyat Khan.]

it is up to the representatives of zamindars in this house to impress upon them that their economic difficulties are at least in part due to the present state of affairs in this country. (*An Honourable Member*: Does the Government also realise that?) Government certainly does. (*Interruption*). Honourable members will have an opportunity of meeting their constituents during the coming election and they will have ample opportunities of impressing upon the zamindars this aspect of the question. Some of the speakers have taken it for granted—and I must say unreasonably—that the attitude of Government is unsympathetic towards the zamindars in their present difficulties. I have, at the beginning of my speech, tried to point out that Government has always been sympathetic in the past and I can assure the House that the Government will adhere to that policy in future also. It has been said that Government if it wanted to give relief, could do so by various means, but no practicable device has been suggested so far. One concrete suggestion was made by the honourable member for Montgomery, if I remember aright, and it was to the effect that the Agricultural Department should be abolished. I must say that it was, to say the least, most unfair for him to single out the Agricultural Department, for attack, because of all the beneficent departments that department has been most beneficent to the honourable member for Montgomery. (*Interruption*). If the honourable member will allow me to finish the sentence and listen to me patiently it will save him the inconvenience of getting up from that bench so often. I was going to point out that his dairy farm would not have been such a success, had he not received the whole-hearted support and valuable advice from the Agricultural Department. (*Interruption*). What about his buffalo breeding? (*Laughter and interruption*).

Again, the honourable member from Mian Channu (Sardar Sahib Sardar Ujjal Singh) yesterday spoke about the hard plight of zamindars holding inferior land. He is one of those who got a grant of inferior land, and I am glad to say that he has improved it to such an extent that it is now a very paying concern. But I want to make him an offer, Sir. If he thinks that he is so hard hit, as he tried to depict yesterday, is he prepared to accept an offer to sell back that land at the price at which he bought it? (*Hear, hear*). If so, I will be prepared to accept it on behalf of Government now and here.

I think it is not necessary for me to detain the House much longer. It has been alleged that Government is not concerned about the plight of the zamindars due to the present slump in prices. I can assure them that the anxiety of Government is no less than that of the zamindars. We are as much concerned as the zamindars themselves by the trend of present downward prices in this province and elsewhere. I can assure them that Government is watching the situation closely and anxiously, and if and when relief is indicated, the zamindars will not find the Government wanting in giving relief to those who deserve it. (*Cheers*).

**Sardar Sahib Sardar Ujjal Singh** (Sikh, Urban): Sir, the Honourable Revenue Member has referred to the grant of land to me. I am certainly grateful to Government for allowing an experiment to be made for

the improvement of Bara land. That was an entirely business proposition. That land was not worth cultivating at all. I have invested no less than Rs. 3,50,000 on the improvement of that area; and for that consideration alone I am prepared to hand over that area to Government if the Government is prepared to pay back the money I have invested. The position of the inferior land now is that it is not able to meet the revenue and canal demands at all.

**Mr. President :** The question is—

“This Council recommends to the Government that in view of the abnormal fall in prices of staple crops and the prevailing economic distress in rural areas the rates of *abiana* be forthwith reduced by 25 per cent.”

The Council divided : Ayes 31 ; Noes 36.

AYES 31.

|  |   |
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| Chaudhri Kesar Singh.                      | Khan Bahadur Mian Muhammad Hyat, Qureshi.     |
| Mian Ahmed Yar Khan, Daultana.             | Chaudhri Umar Hyat.                           |
| Chaudhri Baldeo Singh.                     | Makhdumzada Sayad Muhammad Raza Shah, Gilani. |
| Pandit Mehar Chand.                        | Pir Akbar Ali.                                |
| Khan Bahadur Khan Muhammad Saifullah Khan. | Shaikh Faiz Muhammad.                         |
| Sayed Mubarak Ali Shah.                    | Khan Muhammad Abdulla Khan.                   |
| Rao Badadur Chaudhri Chhotu Ram.           | Rana Firoz-ud-Din Khan.                       |
| Mian Nurullah.                             | Shaikh Abdul Ghani.                           |
| Khan Sahib Risaldar Bahadur Nur Khan.      | Sardar Jawahar Singh Dhillon.                 |
| Chaudhri Yasin Khan.                       | Sardar Buta Singh.                            |
| Khan Bahadur Malik Muhammad Amin Khan.     | Sardar Partap Singh.                          |
| Chaudhri Zafrulla Khan.                    | Sardar Harbakhsh Singh.                       |
| Maulvi Sir Rahim Bakhsh.                   | Khan Bahadur Sardar Habibullah.               |
| Sayad Muhammad Husain.                     | Sardar Sahib Sardar Ujjal Singh.              |
| Khan Sahib Rai Shahadat Khan.              | Sardar Bishen Singh.                          |
| Mian Mushtaq Ahmed.                        |   |



## NOES 36.-

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|---|--|
| Colonel C. A. Gill.                               | Mr. C. M. G. Ogilvie.                    |
| Mr. H. Calvert.                                   | Mr. D. J. Boyd.                          |
| Khan Bahadur Nawab Muzaffar Khan.                 | Mr. S. L. Sale.                          |
| Mr. W. B. Wilson.                                 | Dr. Gokul Chend, Narang.                 |
| Mr. C. A. H. Townsend.                            | Rai Bahadur Lala Mohan Lal.              |
| The Honourable Malik Firoz Khan, Noon.            | Chaudhri Ram Singh.                      |
| Mr. R. Sanderson.                                 | Lala Mukand Lal, Puri.                   |
| Mr. W. S. Dorman.                                 | Mr. Owen Roberts.                        |
| Mr. M. A. Ghani.                                  | Pandit Nanak Chand.                      |
| Mr. H. F. Ashton.                                 | Lala Kesho Ram, Sekhri.                  |
| The Honourable Mr. Manohar Lal.                   | Rai Bahadur Lala Ganga Ram.              |
| The Honourable Sardar Sir Jogendra Singh.         | Lala Jyoti Parshad.                      |
| Mr. Alan Mitchell.                                | Rai Bahadur Lala Rattan Chand.           |
| Mr. J. D. Penny.                                  | Lala Chetan Anand.                       |
| Dr. (Mrs.) M. C. Shave.                           | Rai Bahadur Lala Dhanpat Rai.            |
| The Honourable Sir Henry Craik.                   | Sardar Bahadur Captain Dalpat Singh.     |
| The Honourable Captain Sardar Sikandar Hyat Khan. | Sardar Sahib Sardar Fateh Singh.         |
|   | Sardar Bahadur Sardar Sheo Narain Singh. |
|   | Mr. E. Maya Das.                         |

The Council then adjourned for lunch till 2-15 P.M.

The Council re-assembled at 2-15 P.M. Deputy President in the Chair.

RESOLUTION RE AMENDMENT OF THE PUNJAB ALIENATION OF LAND ACT.

**Sayad Muhammad Husain** (Montgomery, Muhammadan, Rural) (Urdu): Sir, I beg to move—

“This Council recommends to the Government to take early steps to so amend the Punjab Alienation of Land Act as to debar all courts and officers of whatever description from directing any alienation of land belonging to a member of an agricultural tribe save a lease in a form permitted by the Act, the period of which may extend to twenty years.”

Sir, the felicity and opulence which we to-day witness amongst the zamindar classes are all due to this beneficial measure. So long as this Act remains intact the zamindars will continue to prosper. Sir, if the zamindars are not reduced to serfdom it is on account of this protective measure which was brought into existence in 1901 by Lord Curzon. It is this Act that is keeping and has also kept in the past the zamindar's spirits high. They have always regarded this Act as their Magna Charta, but there is one class that is the class of these few non-agriculturists who have always since the day it has come into force felt it like a spike in their side, and have done all in their power to get it repealed or at least to create such loopholes in it so as to render it ineffective and worthless. All agriculturists, whether Hindus, Sikhs or Muslims, regard it their backbone

and their mainstay and they will not sit idle and see it repealed. It is their right and they will fight for it up to the last moment. They will shed every drop of blood in their bodies in its defence. This Act has benefited 95 per cent. of the Punjab population and if at all anybody has suffered it is only the remaining 5 per cent. and they are the non-agriculturists.

**Pir Akbar Ali :** There you are wrong. This measure was enacted not as a favour to the zamindars but it was their right and in all fairness it was given them. It is not even against the interest of the remaining 5 per cent., for it in no way infringes their rights. It only refuses to give them what is not legitimately theirs.

**Sayad Muhammad Husain :** I quite agree with the honourable member. It really did not interfere with anybody's rights. Coming to the point at issue I would like to submit that the zamindars have always shown much patience whenever the non-agriculturists have made encroachments on their sacred right to possess and own lands, which was granted to them by this Act. The Government included amongst the zamindar classes even those people who were not agriculturists and the zamindars at the time as loyal subjects did not object to it. The non-agriculturists became members of the municipal committees and made encroachments on the lands situated near the towns. At this, again, the zamindars remained silent and did not do anything against their unjustified encroachments. Then again the Agricultural Department found out a new method of acquiring their lands and it was in this way that it proposed that land may be given for industrial purposes and in accordance with this proposal lands were taken from the zamindars and still they kept quiet and did not raise a finger against the injustice done to them. This misfortune which tried to overtake them in so many different forms was not so harmful to their cause as compared with the new evil which has sprung up on account of the overwhelming representation of the non-agriculturists in the judiciary. As in the High Court the number of the agriculturists is deplorably small, the judges who are often non-agriculturists always put such construction on the provisions of this act which aim at defeating its purpose. Their interpretations always leave this Act a weak and ineffective measure. It is on account of this that since the last five or six years Chaudhri Chhotu Ram has directed his sincere efforts towards getting the zamindar element introduced in the judiciary. Had his efforts met with success, when to-day there would have been no necessity of moving such a resolution as this in the Council. Non-agriculturists have monopolised the High Court.

**Rai Bahadur Lala Sewak Ram :** Sir, worth counts, not birth. The Judges of the High Court are appointed on consideration of merits.

**Sayad Muhammad Husain :** If it depends on worth then I challenge, who is our better as regards merit and capabilities. Do you think there is a dearth of capable men amongst Hindu, Muslim and Sikh zamindars? (Interruption) Sir, it is a question of life and death for us and they are taking it so lightly.

کسی کی جان گئی آپہی ادا تہی

[Sayad Muhammad Husain.]

Sometime back an honourable judge of the High Court gave a ruling to the effect that a bankrupt agriculturist's land can be sold to another agriculturist. On this the zamindars raised a great hue and cry in the council chamber, in the country and indeed every where, with the effect that a test case was brought before a full bench of the High Court for decision. Thank God the decision was in favour of the zamindars.

“سیدہ بود بلائے ولی بغیر گذشت”

Again, Sir, there are not only one, two or three such cases but there are many. In another case a lower court decided that the land of an agriculturist can be temporarily alienated for a period of 56 years. The Deputy Commissioner when it was brought to his notice referred it to the higher authorities and here again a test case was brought forward for decision before a single bench of the High Court but in this case the decision of the lower court was upheld. This ruling of the High Court to which I have referred was given on the 25th of April 1920. Sir, times out of number the judiciary have tried by such methods to make the law a dead letter, and the zamindars have never complained against their highhandedness or against the injustice of their attempts. But now these unwelcome designs on the part of the non-agriculturists against this measure have become intolerable and have produced a general unrest amongst the agriculturists. It is opportune for the Government to so amend the law as to secure it against all such future attempts or designs that may be resorted to to get this Act repealed. The zamindars will not support the Government so long as they do not act up to their expectations. If Government showed superciliousness or even indifference on their part they are sure to alienate the sympathies of the agriculturists. The Honourable Revenue Member's predecessor while explaining the policy of the Government said that it would not either extend or restrict the scope of this Act. Sir, if any importance can be attached to the words of a very capable Revenue Member then, let Government stick to them and amend this Act, even if the interpretations that are occasionally put upon its different clauses are right. This would secure the law against all future inroads. With these words I commend my resolution for the favourable consideration of the House.

**Deputy President :** The resolution moved is—

“This Council recommends to the Government to take early steps to so amend the Punjab Alienation of Land Act as to debar all courts and officers of whatever description from directing any alienation of land belonging to a member of an agricultural tribe save a lease in a form permitted by the Act, the period of which may extend to twenty years.”

**Chaudhri Baldev Singh** [North-West Rohtak (Non-Muhammadian), Rural] : Sir, I rise to support this resolution. There is a misunderstanding about our party in this House that even zamindar members in it do not or cannot support the resolutions which are meant for the benefit of zamindars. I wish to declare that in our party though some members are opposed to the resolution, as their particular interests require, the zamindar members will surely support it as it is in the interests of the zamindars with whom they are linked up. We, the zamindar members in this party, therefore are at perfect liberty to vote for this resolution, and I would advise the honourable mover not to withdraw the resolution. This will serve as a test-

for all the parties and for the principles for which they stand. I say with all the force at my command that we are at perfect liberty to vote in any way we like on this resolution and on similar other resolutions brought before the House which have reference to the interests of the zamindars. Our party is as much a zamindar party as any other party in the House because we are perfectly as much at liberty as individual members to vote as we like on such questions. I may also point out that it is generally claimed by a certain portion of the House that they have been guarding and protecting this piece of legislation. That is entirely wrong. This piece of legislation was passed in 1901 when there was no council, and if any one deserves the credit for it it is the Government. Again, it is on account of Government support that this legislation stands and cannot be modified. This Act is wholly dependent upon the support of the Government even now. If only the Government take it into their head to oppose this resolution I am certain that this resolution will be defeated. If all of us, the zamindar members of all parties of this House, unite and lend our support to it, the resolution cannot be carried if the Government sides with the non-zamindars. The fact is that no resolution can be carried against Government, and even if one is carried, it cannot be acted upon. Therefore, the whole initiative and the fate of this resolution depends entirely upon the attitude of the Government. The thanks of all the zamindars are due to the Government for this piece of legislation, and it is their desire that the Government should continue to protect them as they have been doing.

I wish at this stage to state that the Land Alienation Act is defective in one respect. While it restricts the sale of land as far as non-zamindars are concerned, it does not restrict the sale of land to bigger zamindars. If the bigger zamindars take away and possess all the land that belongs to the smaller landholders I do not see how the smaller zamindars should feel thankful to the Government or the zamindar members here for this Act. (*An honourable member* : But the bigger zamindars are only 25 per cent.) If even that small percentage of zamindars swallow the remaining 75 per cent. the latter have not the slightest reason to feel secure because of the Act, thinking that they are saved from the non-zamindars only to be swallowed by their own brethren. So far as the smaller zamindar is exposed to the risk of being swallowed it matters little whether it is the non-zamindar that swallows him or it is the big zamindar. The question is why the smaller zamindar should be swallowed at all. He should be protected and I appeal to the Government to make this slight modification in the Act with a view to protect him from both the non-zamindar and the zamindar. I am thankful for what has been done by Government on our behalf. But I urge that my suggestion will be taken into consideration by Government so to amend the act that the land of a small zamindar cannot be sold to any one at all.

(*At this stage, Mr. President resumed the Chair.*)

**Lala Mukand Lal, Puri** [Lahore City (Non-Muhammadan), Urban] : Sir, the resolution which has been proposed recommends to the Council to amend the Punjab Land Alienation Act in view of certain interpretations that have recently been put upon some of its provisions. The first question which should legitimately be asked in a matter like this is this : Is it the object of the mover to ask this legislature to interpret the present law in

[ Lala Mukand Lal Puri.]

accordance with the wishes of the zamindars or is it the object of the mover to extend the operation of the Act? If the object of the mover is to ask the legislature to interpret the Act in accordance with the wishes of the zamindars, I submit that it is a very improper request. The task of interpretation of Statutes is quite rightly left in all civilised countries to the courts and the courts of the Punjab I beg to submit have consistently interpreted the Punjab Land Alienation Act on this point for the last 30 years in the same manner except for a discordant expression of opinion on one or two occasions which has been corrected as soon as the opportunity for the same arose. The Act was passed in 1901. Soon after it was passed, in the year 1903 this very question which has now been raised before this House came up for consideration before a division bench of the Punjab Chief Court consisting of Sir Donald Johnston and Sir Henry Rattigan and they laid down that under the provisions of the Land Alienation Act, the land of a member of an agricultural tribe could not be sold but that it could be attached which meant that it was available for being leased out. That was in the year 1903. From that year to 1917 the courts consistently followed that decision till in the latter year Sir Patrick Fagan in a revenue judgment reported in 1917 made an *obiter dictum* remark that the land of a member of an agricultural tribe could not even be leased. But, this opinion was at once dissented from by his senior colleague, Sir John Maynard who said that the judgment of the Punjab Chief Court of 1903 which had been consistently followed was correct and that the land though exempt from sale was subject to attachment and could be leased out by the courts in any manner they liked. In view of this difference of opinion which existed between the two Financial Commissioners, the matter was agitated again before an Honourable Judge of the Chief Court, Mr. Justice Bevan Petmen who after considering the opinion of the Financial Commissioners said that the opinion of the Punjab Chief Court was correct. The matter was not allowed to rest there. It was taken by a Letters Patent appeal and the bench then thought it necessary to refer it to a Full Bench. Accordingly in 1920 the Full Bench re-affirmed what had been laid down in 1903. Therefore from 1903 to 1929 the same law was followed when in a judgment of the Honourable Mr. Justice Dalip Singh, the learned judge made an *obiter dictum* that there was nothing to prevent the Official Receiver or an insolvency court, on adjudication of the debtor as insolvent, to sell the land of a member of an agricultural tribe in favour of another member of agricultural tribe on the principle that the land vests in the court and what the owner himself could have done without coming to court, could equally be done by the Official Receiver. That was a mere *obiter dictum*, but of course the same view was expressed in another judgment by Mr. Justice Johnston, namely, that the land of a member of an agricultural tribe could be sold to a member of an agricultural tribe by an Official Receiver in insolvency proceedings. (Chaudhri Zafrulla Khan: That was not an *obiter dictum*). That was not quite an *obiter dictum*. I personally was counsel in that case and I know that. Soon after that, a case came up before another Judge of the High Court, the Honourable Mr. Justice Tek Chand, and it was naturally urged before him that the point was debatable, that the interpretation which had been put by Johnstone J. and an *obiter dictum* by the Honourable Mr. Justice Dhalip Singh was open

to further consideration. And he in due course referred it to a higher bench. Inasmuch as it was the opinion of a single judge, it could only be corrected if the matter were considered by a higher bench and he therefore referred it to a division bench. The bench which heard the case was a very strong bench of the High Court consisting of Mr. Justice Broadway and Mr. Justice Tek Chand.

**Chaudhri Zafrulla Khan :** What do you consider a weak bench ?

**Lala Mukand Lal, Puri :** I am not prepared to answer such irrelevant and impertinent questions. That bench did not agree with the *obiter* remarks in the unreported judgment of the Honourable Mr. Justice Dalip Singh or the views of Mr. Justice Johnston but held agreeing with what had been laid down in 1908 that the land of a member of an agricultural tribe is not liable to be sold either in insolvency proceedings or execution of a decree of the court but is liable to be attached and is liable to all the consequences following attachment. Therefore I venture to submit that from 1901 to 1930 the courts have consistently struck to one interpretation, but such is the temper of the zamindar members of this Council that whenever anything happens, howsoever trifling which does not suit them, and whenever any opinion contrary to their wishes is expressed it is not tolerated. People are not given any credit for honesty of judgment. Even the highest tribunals of this province are impeached for want of impartiality for laying down what has always been held to be correct by men whose impartiality is above question. I refer to the speech of the honourable mover who said that the Punjab judiciary has always been actuated by the spirit of money-lenders. Well, Sir, talking of the High Court judiciary one of the most distinguished judges of the Punjab Chief Court, the Honourable Mr. Justice Mian Shah Din was a member of an agricultural tribe and for a number of years he had an influence in the Chief Court which was second to none. The Muhammadan judge who succeeded him was also a member of agricultural tribe. But he was appointed not because he was a member of an agricultural tribe but because by reason of his judicial acumen, judicial training and judicial ability he was fit for holding that position. I refer to Honourable Mr. Justice Zafar Ali. To say, therefore that the judiciary is in any way hostile to members of agricultural tribes is not the truth.

**Shaikh Abdul Ghani :** How many permanent Muhammadan agricultural judges are there on the High Court ?

**Lala Mukand Lal, Puri :** Well, Sir, it seems to be assumed that the interests of the agriculturists of this province are the same as the interests of the members of the agricultural tribes. I beg to submit that the definition of an agriculturist in the Land Alienation Act is a definition which is not to be found in any enactment of the civilized world.

**Pandit Nanak Chand :** It is a fraud.

**Lala Mukand Lal, Puri :** It is not an economic definition but it is a tribal definition, it is a definition created by our British rulers for purposes which are known to them. It is based not on any economic grounds, not on grounds connected with the profession of agriculture, nor on any grounds which have any relation to agriculture at all. The definition of an agriculturist in the Land Alienation Act is that any person is a member of the agricultural tribe if the tribe is notified by the Government in one

[Lala Mukand Lal Puri.]

of its notifications and therefore an agriculturist is in this province determined not by the act of tilling the land nor by following the profession of agriculture but by being born in a tribe so that our rulers have in this instance adopted the old policy of Manu of giving a caste by birth.

**Chaudhri Zafrulla Khan :** Are you not satisfied ?

**Lala Mukand Lal, Puri :** The rules lay down that a person is a member for the Agricultural tribe if that tribe has been notified by the local Government and if he resides in that district. What does that mean? An Arain confectioner of Lahore who for generations has lived in the town of Lahore whose ancestors ever since history began has not lived in rural areas and whose progeny has no intention of living outside Lahore would be a member of an agricultural tribe according to the definition which is laid down in the Land Alienation Act, while on the other hand a Rajput or another member of a tribe which generally follows agriculture but which does not happen to be notified in the Lahore district and which for generations has been cultivating land and whose interests are entirely rural who has absolutely no intention of leaving the rural life is not an agriculturist only because he has not been so notified.

**Mr. President :** May I point out that the honourable member is not speaking to the motion before the House? He is discussing the general policy of the Land Alienation Act. This is not permissible. We have a specific amendment before us and the question is whether that amendment should be adopted or not.

**Lala Mukand Lal, Puri :** I am giving reasons why this further amendment of the Land Alienation Act is not necessary, the principal reason being that persons who claim this privilege may in certain cases have no claims to be agriculturists at all.

**Mr. President :** The honourable member is discussing the Land Alienation Act and that is not before the House.

**Lala Mukand Lal, Puri :** -No, I am talking about the arguments which have been advanced by the other honourable members.

**Mr. President :** The motion before the House is whether a certain amendment to the Land Alienation Act be made or not. That motion presupposes that the Land Alienation Act is there on the Statute Book and that it is a living law. The question briefly is this, whether that particular amendment be made or not.

**Lala Mukand Lal, Puri :** I was pointing out that the interpretation which has been put upon the Act by the courts has been consistent throughout and has been in keeping with the policy of the legislature which enacted this Act. I therefore submit that if it is a question of interpretation, if the honourable mover or those who support him think that a legislative enactment has been, by Honourable Mr. Justice Bhide's judgment or by any other judgment, wrongly interpreted, it is for them to take proper proceedings and if that judgment is incorrect there is no reason to suppose it would not be set aside. Personally I think that the judgment of the Honourable Mr. Justice Bhide is quite correct though there is no reference to it in the



division bench judgment which dealt with the judgment which created this agitation. That is one portion of my argument. The other portion of my argument is that it is not a question of interpreting an Act but the zamindar members want this amendment because they want to extend the scope of the Act. On that point I submit that the Honourable Sir Fazl-i-Husain, who was the late Revenue Member and who was himself a zamindar and whom the mover has eulogized in no weak terms himself stated that the policy of Government was not to extend the scope of the Act, nor in any way to limit its scope.

**Chaudhri Zafrulla Khan :** Not to permit to limit its scope.

**Lala Mukand Lal, Puri :** The honourable mover was very eloquent in saying that this is the magna charta of the zamindars. I say that this is the magna charta of the big zamindars. As Mr. Darling points out in his book "Punjab Peasant in prosperity and debt," the Punjab Land Alienation Act while attempting to safeguard the sheep from a threatened attack of the wolf has handed it over to the butcher. Thus the Punjab Land Alienation Act by restricting the market for the sale of land has practically led to a process, as my honourable friend Chaudhri Baldev Singh has pointed out, of defeating the very object which the legislature had in view. The object of the legislature, the principal object of the legislature in passing this enactment, was that the Punjab peasants, the petty holders should not be exterminated, while the effect of the last thirty years' working of the Act is that that object has not been achieved. Raja Sir Harnam Singh emphatically prophesied this probable result in his note of dissent and this fact has been recognized over and over again in official reports. Only six years after the passing of this Act, Sir Charles Rivaz pointed out that the circumstances indicated that the small land-holder was being extinguished gradually by the big landlords and the Government should take proper steps in that direction. Again the statistics which have been collected show that although the indebtedness of the agriculturists to the non-agriculturists has decreased, the mortgage debt in favour of the agriculturists has enormously increased. There is absolutely no reason to extend the scope of the Act, when the very object which the legislature had in view has not been achieved. I strongly support the suggestion of Mr. Baldev Singh, a statutory agriculturist himself, that if the zamindar members want to extend the scope of the Act or want to support the Act on the ground of possible distress to the zamindars, their proper course is to lay down the limit of economic holding and to lay down that a person who owns ten acres or even twenty acres shall not be able to sell to agriculturists or non-agriculturists alike, and further that there should be an economic definition of agriculturist instead of a tribal one. I ask, on what grounds of sound reason, equity or justice do the big zamindars think that their lands should not be liable to be sold or leased out for more than 20 years in payment of the debt? Is it a request to the country to absolve them of their debts? Here is a zamindar who owns twenty squares and owes five thousand, why should it not be possible to take away his ten bighas of land and pay off his loans? I have every sympathy with the zamindars, and it is absolutely wrong to say that we non-zamindar members have no sympathy with the agriculturists. I, for one, would be prepared to support a measure protecting zamindars in the nature of a Land Alienation Act, which in the



[Lala Mukand Lal Puri.]

first instance defines an agriculturist in economic terms and does not define him on the accident of birth or on the sweet will of the executive. Let that definition for instance apply to anybody who tills land and to those who live on land in rural areas. Let there be an economic definition and let there be an economic holding of ten acres. That will be a real help to the agriculturists. But here are the big zamindars of the Lyallpur and other colony districts who own five to six square of land and when by their improvidence they have run into debts of say Rs. 5,000 they rush into insolvency court with a view to avoid payment of their debts which they could liquidate by selling a very small fraction of their land.

**Mr. President:** Will the honourable member curtail his speech? I do not propose to allow any speaker more than fifteen minutes as the time at our disposal is limited and very many members desire to speak.

**Lala Mukand Lal, Puri:** Therefore, Sir, there is no reason why the protection which is sought for in the resolution should be given, because the classes who clamour for it are not the classes who deserve it on any equitable ground. It should be remembered that when this legislation was passed, Sir Gordon Walker pointed out that this legislation was of a most exceptional character. It was originally intended to be a legislation of an All-India character and it was applied to the Punjab as an experiment. The greatest condemnation of the Act is that no other province has thought fit to introduce such legislation during thirty years that it has been in force in this province.

3 P.M.

**Mr. President:** The honourable member is again discussing the policy of the Land Alienation Act. May I request him to speak to the motion before the House.

**Lala Mukand Lal, Puri:** May I submit, Sir, that the reasons for extending the scope of the Act cannot be refuted unless the whole policy of the Act is discussed. The proposal now is to extend the scope of the Act.

**Mr. President:** I venture to differ. The honourable member should speak to the motion.

**Lala Mukand Lal, Puri:** I was pointing out that at the time when this legislation was proposed to be enacted, Sir Macworth Young the Lieutenant-Governor of Punjab, was opposed to it, but Lord Curzon pointed out that it was a measure of an All-India character, and that an experiment should be tried first in the Punjab. Protective legislation exists in other provinces also. There is the Deccan Agriculturists' Relief Act; for instance; but in all these cases the definition of an agriculturist is economic and not tribal. Sir, there is absolutely no reason to extend the scope of the Act and I beg therefore to oppose this resolution.

**Chaudhri Zafrulla Khan** [Sialkot (Muhammadan) Rural]: Sir, one aspect of this question was discussed in this House in February 1928 on the motion of my honourable friend, Rana Feroz-ud-Din Khan asking for the amendment of the Land Alienation Act in another respect. On that occasion I attempted to give the history of the interpretation of the

various provisions of this Act since 1903 or 1904. I do not wish to repeat it on this occasion as the question then under consideration is not now directly under the consideration of this House. The question that is now before the House may briefly be stated thus. Section 11 of the Punjab Alienation of Land Act provides that a member of an agricultural tribe cannot give a lease of his land to any person who is not a member of one of the agricultural tribes for a period exceeding 20 years and that if he does so, the period of the lease will be cut down to 20 years. That is a restriction placed by the Act on the ordinary powers of alienation of a member of an agricultural tribe. The question that is at present engaging the attention of the House is as to whether in execution of a decree passed against a member of an agricultural tribe it should be permissible for the executing court to direct that a lease be granted of land belonging to the judgment-debtor for a period extending beyond the term of 20 years.

**Diwan Bahadur Raja Narendra Nath :** To a member of an agricultural tribe or non-agricultural tribe ?

**Chaudhri Zafrulla Khan :** To anybody. The question that is now raised in this House is that to permit such an alienation, that is to say a lease for a period longer than 20 years, would be contrary to the policy and the scope of the Act. Honourable member on the other side of the House have contended that this would be in accordance with the policy and the scope of the Act. That is the real question before the House. For, once it is determined as to whether such an alienation is or is not within the policy and the scope of the Act, the course for this House to adopt would become perfectly clear, at any rate, Government's duty would then be perfectly clear inasmuch as on more occasions than one this House has been assured by the Government that whereas Government on the one hand was not prepared to extend the scope of the Act, on the other hand it would not also permit its scope to be restricted by judicial pronouncements. So that, Sir, the question narrows itself down to this, as to whether such an alienation is or is not contrary to the policy and the scope of the Act. As I have submitted, a member of an agricultural tribe cannot of his own will grant a lease of his land beyond a period of 20 years to a member of a non-agricultural tribe.

**Diwan Bahadur Raja Narendra Nath :** But he can to a member of an agricultural tribe.

**Chaudhri Zafrulla Khan :** I am perfectly certain that my honourable friend must have studied the Act, both in his official capacity and since, with great care and attention, and he must be aware of what the Act contains. With regard to the execution of decrees, this question has come up for the first time for the consideration of the Lahore High Court recently and the manner in which the High Court looks upon this question is clear from the judgment of the Honourable Mr. Justice Bhide pronounced on the 25th of April 1930. So far as the strict technical interpretation of the existing expressions employed in the Act is concerned, I agree with my learned friend from Lahore who has just sat down that Mr. Justice Bhide's judgment is not open to the objection that the question has been wrongly decided. But the question does not end there. My learned friend's argument was that if the judgment of the Honourable Judge is taken to be correct, then you can have no grievance. That is not so.

[Ch. Zafrulla Khan.]

Times out of number it has happened that the legislature with a certain end in view has passed an enactment in terms which according to the view of the legislature would achieve the object which it wanted to attain; but when the enactment is interpreted in the courts, it is found that there is a flaw in the enactment which, if allowed to continue to exist, would operate against the object of the Act and the Act has then forthwith been amended. For instance, that state of affairs has arisen more than once in connection with the Gurdwara Act and the Government propose to amend it still further. The whole question is whether the Honourable Judge's decision, granting that it is correct on a technical interpretation of the Act, does not defeat the policy of the Act, the object that the Act had in view and that this is the case I shall presently proceed to show from an authoritative judgment of a Bench of the Lahore High Court itself, a judicial pronouncement that the policy of the Act is that in such proceedings a lease going beyond the term of 20 years should not be granted. As a matter of fact, in spite of this question arising very often as my honourable friend pointed out, for 30 years or 29 years after the passing of this Act on no single occasion has any court ever proposed to grant a lease of land belonging to a member of an agricultural tribe in execution of a decree for a period longer than 20 years and that is the surest indication of how the policy of the Act has been understood to be during the last 30 years by the courts of this province. (*Hear, hear*). But the matter does not rest there alone. In a division Bench of the Lahore High Court consisting of the Honourable Sir Shadi Lal, Chief Justice, and Mr. Justice Wilberforce, printed in Indian Law Report 2 Lahore, page 78, the question arose whether in insolvency proceedings against an agriculturist insolvent, his land could or could not be mortgaged for the paying off of his debts. The bench on that occasion decided that so far as a technical interpretation of the Act was concerned, a mortgage under those circumstances would be perfectly legal and could be granted. Nevertheless, on the appeal of the insolvent the court upset the proposal of the insolvency court to mortgage the land and did not allow the land to be mortgaged inasmuch as the view was taken that this would be contrary to the spirit of the Land Alienation Act and this is the passage where the Honourable Judges have expressed their view: After holding that the mortgage under those circumstances would be legal, the Honourable Judges observed:

"Mr. Jagannath's last objection to the order under appeal is that as a result thereof his client's land will probably remain permanently under mortgage and that the effect of this arrangement will be to substitute a probably permanently secured debt for unsecured debts. We think that there is force in this objection, as the underlying principle of the law of insolvency is that an insolvent shall be free from his indebtedness and shall obtain a discharge within a reasonable period. It is also clear to us that the court or a receiver proceeding under the Insolvency Act should proceed as far as possible on the same line as a court acting in execution of a decree. That this is the intention of the legislature is indicated by the provisions of section 21 (2) of the Provincial Insolvency Act. Now in execution of decrees against the land of indebted members of an agricultural tribe who are often actually or practically insolvent, it has always been the practice sanctioned by this Court that the debt should be liquidated by farm terminable after a reasonable period and the maximum period for which a farm has been permitted is 20 years. By the arrangement of such a farm or a mortgage which is automatically redeemed by the profits, the debt is automatically extinguished. We do not think that ordinarily different or harsher measures should be taken against a person who becomes an insolvent under the provisions of the law."

The Honourable Judges, therefore, hold that in insolvency proceedings the same principles ought to be followed which are followed in execution of decrees, and they have said that in execution of decrees against agricultural debtors the High Court has sanctioned only the grant of a form and that not exceeding 20 years in any case whatsoever, so that according to the Honourable the Chief Justice and the Honourable Mr. Justice Wilberforce, that was the scope and the policy of the Act which under the sanction of the High Court, the courts had been following for so many years; and although the direction of the District Judge acting in insolvency was that a mortgage should be granted of the insolvent agriculturist's land, the Honourable Judges accepted the appeal in spite of the order being legal and directed that the lease of the insolvent's land should not exceed a period of 20 years.

**Mr. President :** Will the honourable member please now wind up his speech ?

**Chaudhri Zafrulla Khan :** So that, according to the highest court in this province the spirit of the Act, which has been followed for so many years, is that you cannot grant or you should not grant a lease of an agriculturist judgment debtor's land which should go beyond a period of twenty years and this spirit has now been violated. Just one observation more and I shall resume my seat.

A great deal has been said to the effect that this resolution is intended to benefit the large landholder at the expense of the small landholder. That argument is entirely wrong. What is being asked for is that in cases, which will probably be 99 out of 100, of a small landholder who is unable to pay his debt otherwise and against whom a decree has to be obtained and that decree has to be executed, whether that decree is obtained by an agriculturist or whether it is obtained by a non-agriculturist, you shall not permit that the land of that small, poor, practically insolvent landholder shall be leased out to anybody for the purpose of the satisfaction of the decree for a period longer than 20 years. The honourable members can judge at once whether it is likely to afford protection to the smaller and the poorer land-holders or whether it is intended to give protection to the bigger landholders.

**Dr. Gokul Chand, Narang** [North-West Towns (Non-Muhammadan), Urban] : It is very unfortunate that at the end of the life of this Council this question should have been brought up. I expected that we shall all part with one another in the most amicable spirit and without rancour at all in our minds. From that point of view I do not welcome the introduction of this resolution into this Council. However, the mover of the resolution thought it fit to bring it forward and we have no option but to discuss it. So far as the present question is concerned this is how it has arisen. A certain money-lender obtained a decree for some Rs. 13,000 against a judgment-debtor in Lyallpur district and in the execution of that decree the Senior Sub-Judge of Lyallpur ordered that the land belonging to the judgment-debtor should be farmed out for a term of 56 years. Intimation had to be given to the Deputy Commissioner and it was therefore given to the Deputy Commissioner of Lyallpur. He thought that the period was in contravention of the provisions of the Land Alienation Act and he there-

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upon made a reference to the High Court to which ordinarily appeal in execution proceedings would have come under section 21 of the Land Alienation Act. It was on that reference that the Honourable Mr. Justice Bhide delivered a judgment which, though not published up to this time so far as I am aware, has led to the moving of this resolution in this House. In that case the Deputy Commissioner was represented by the Additional Government Advocate, Mr. Abdul Rashid, who happens to be a member of an agricultural tribe, and I have not the slightest doubt that he put before the Court all that could be said in support of that reference. The learned judge went into various provisions of the Act and found, that the Act as it stood did not prohibit or make illegal the farming out of a judgment-debtor's land for more than 20 years, and as my honourable friend Raja Sahib was anxious to point out to the honourable speaker who preceded me, the learned Judge further found that the policy of the Act was also not contravened because in the Act as it stands, the owner of the land when he happens to be a member of an agricultural tribe can, if he chooses, lease out his land for more than 20 years, provided the lessee or farmer is a member of an agricultural tribe in the same group. Section 11 of the Land Alienation Act is clear on this point and for the information of this House it would be better if I read it out, so that it may go down into the proceedings for reference by authorities. It reads :

"Any member of an agricultural tribe may make a lease or farm of his land for any term not exceeding twenty years, and any lease or farm made by a member of an agricultural tribe for a longer term than twenty years shall, if the lessee or farmer is not a member of the same tribe or of a tribe in the same group, be deemed to be a lease or farm for the term permitted by this section."

So that, so far as the policy of an Act can be judged by its express provisions, the policy of the Act is that a member of a notified agricultural tribe can, if he likes, farm out his land for more than 20 years, the only condition being that the farm or lease will not be in favour of a person who is not a member of a certain tribe. So far as his own powers are concerned, there is not the slightest doubt and up to this time during the 30 years that this Act has been in force, no member of an agricultural tribe has approached Government to have this section 11 amended, nor, I understand, has anybody from among the honourable members of this House made any suggestion to Government that section 11 should be amended so as to restrict the powers of farming out or leasing out his land vested in a member of a notified agricultural tribe.

Then we turn to the powers vested in a civil or revenue court. Section 16 says :

"..... in execution of any decree or order of any civil or revenue court, whether made before or after the commencement of this Act."

This is all that section 6 says. My submission is that we must apply our minds to the exact question that is now before the House without going into this thing or that. I can say 99 things against the iniquitous character of this Act, but I would not on this occasion, because the time at my disposal is very short. The question therefore is whether it is a question of the interpretation of the Act or whether it is a question of the amendment of the Act because the Act as it stands has proved inadequate for safeguarding the interests of the members of the notified agricultural tribe.

If it is the first question, then my submission is that it is not open to any member of this House to approach the legislature for an interpretation of any specific provision or any spirit of the statute. So far as the second question is concerned, the judgment of the Honourable Mr. Justice Bhide does not go beyond the policy of this Act and unless it has been made out by cogent reasons that the judgment is likely to defeat the spirit and the policy of the Act and to contravene the intention which the framers of the Act had in view, my submission is that no case for tinkering with the present provisions of the Act has been made out. Just now my friend who has preceded me quoted a judgment of Sir Shadi Lal and Wilberforce JJ. In the judgment from the passage which my learned friend himself read out it appeared that the courts are competent, that courts are sympathetic, that the courts are sensible of what ought to be done and what ought not to be done in a particular case. He himself read out that though the learned Judges constituting that particular Bench, thought that certain transaction was perfectly legal, they held that the requirements of the case did not make it necessary that the lease should be for more than 20 years. Therefore, even assuming that the policy of the Act is under discussion, even then the policy has not been contravened. But what is to be done in cases where people would borrow and would not pay. A man may have hundreds and hundreds of acres and he may have a paltry sum of a few thousands which he has to pay. Sardar Ujjal Singh's land can be sold in liquidation of his debt, but Sardar Habib Ullah, even if he has a thousand squares of land and has Rs. 1,000 as debt but has no other property, can snap his fingers at his creditors, and say you cannot farm out my land for more than a certain period. Will you not be encouraging dishonesty on the part of debtors and borrowers by lending support to such unnecessary resolutions that are brought before the House? Will not Government be a party to dishonesty that it did not make a sufficient provision for safeguarding the interests of the persons whose interests it has wanted to safeguard for 30 years? They have administered the Act for 30 years both on the revenue side and on the judicial side, and they have not discovered that section 11 was a defective one. My learned friend said that during the last thirty years there has not been one instance in which farming or leasing of land belonging to a member of a notified agricultural tribe has been made for more than twenty years. That is a claim which I am not prepared to admit unless he says that he has exhausted all the records of all the cases in which the land of a member of a notified tribe has been touched. It is too broad a statement and I am not prepared to accept it. It is not a question of citing instances. The question is if such a thing was done, it would either be illegal in view of the Act as it stands or it would defeat the policy of the Act. If it was only a question of the misinterpretation of a mere word by a judge or of the misrepresentation of a clause of the Act, then, of course, the matter would not come here, it would be for the courts. But here there is a question of the policy which has been expressly laid down in the Act and it is evidenced by the express provisions of this Act in section 11 and section 16 to which I have already made a reference.

I want to say one word more. The resolution is not only unreasonable, not very honest and not calculated to encourage honesty but to encourage

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dishonesty, but it is premature and I tell you why. It is premature because this is a judgment by a single Judge. The matter has not been before a Full Bench or even before a Division Bench. Even in the judgment, you will be surprised to know, the learned Judge himself says these words. I am quoting from a certified copy of the judgment of the learned Judge for which I am indebted to my honourable friend the Revenue Member. This is what Mr. Justice Bhide says :

“The question whether the learned Senior Sub-Judge, has rightly exercised his discretion in the present instance in ordering a lease for 56 years could be properly raised in appeal.”

This was a reference made by an over-anxious Deputy Commissioner, but the judgment debtor against whom a decree for Rs. 18,000 or so is being executed, will certainly test the accuracy of this judgment in his own way. It is open to him to appeal to the High Court and it would be then that the matter would be properly tested and that is what the Honourable Mr. Justice Bhide himself has candidly said in his judgment.

Therefore, I submit that the resolution is premature. The real thing is that once a thorn pricks the sole, I mean the foot, of an agriculturist, he gets upset, and for some reasons which he alone understands and which we can only guess and which I would say should not be encouraged, he rushes to this Council and wants a legislation on that point. There was so much anxiety displayed, there was so much fuss created in this House when a division bench of the High Court consisting of a non-agriculturist Hindu judge and an English judge upheld the judgment of the Honourable Mr. Justice Bhide. They have held that in insolvency proceedings the land of an agriculturist cannot be sold. There is that judgment. He knows whether this judgment, when it comes up before the High Court in its proper course of appeal, will or will not stand. If this judgment is maintained, there would then be plenty of time to get anxious and to make out a sufficient case to ask the legislature to make an amendment in the Act.

Before I sit down I want to remind the honourable members of Government and other official members sitting on this side of the House that the sanctity of the Court ought to be respected. More than once did Mian Sir Fazl-i-Husain state in this House and also elsewhere in one of his Durbars which he held at probably Sheikhpura or Lyallpur, I forget which, that no steps would be taken either to extend or to restrict the scope of this Act unless a good case is made out for it. In this connection I am reminded of a stanza in Byron, but I will not quote it. However, for thirty years Government have slept over the rights of the agriculturists and have not grasped the significance of the provisions of this Act which they have been administering for such a long time. Unless they admit and unless they arrive at the conclusion that this judgment, if it is confirmed, will defeat the express objects and policy of the Act, there would be no occasion for any amendment in this statute.

**Rao Bahadur Chaudhri Chhotu Ram** [South-East Rohtak (Non-Muhammadian) Rural] : Sir, whenever any motion with regard to the Land Alienation Act comes up for discussion in this Council, unfortunately feelings are very much excited. Even men of experience and age like my honourable friend who represents the Rawalpindi division (Dr. Gokul Chand

Narang) lose their head. They lose their balance of mind. My friend was pleased to call this resolution non-sensical, even dishonest. There was no occasion for making use of such terms. The plain and honest question before the House is, whether the law as it stands requires to be amended in order to carry out the real object which the Alienation of Land Act had in view. The honourable member representing the rural Muhammadan constituency of Sialkot (Chaudhri Zafrulla Khan) made it perfectly plain and quoted authorities to show that the policy and the object of the Land Alienation Act was that land belonging to an agriculturist should not be alienated for more than 20 years either to an agriculturist or a non-agriculturist in execution of a decree. My friend who has just resumed his seat says that for 30 long years the High Court and the courts subordinate to it have held that the land of an agriculturist was liable to be alienated for more than 20 years under the law as it stands. But he also knows that in not a single instance known to himself has the land belonging to an agriculturist been alienated either to an agriculturist or to a non-agriculturist in execution of a decree for a term exceeding 20 years. (*An Honourable Member*: Then what is your trouble?) The trouble is that for the first time during the last 30 years an honourable judge of the High Court has laid it down that there is nothing in the law to prevent the land belonging to a statutory agriculturist being given out on lease in execution of a decree to another person for a term exceeding 20 years, and to give effect to this abstract view of the law the Honourable Mr. Justice Bhide has actually upheld a lease which extended to a term of 56 years; and if his judgment is followed in practice then there would be nothing to prevent a court from sanctioning the alienation of land belonging to a statutory agriculturist to any person for any term of years, it may be hundred years or even a thousand years, and thus entirely nullifying the Land Alienation Act. But everybody knows, and the High Court has recognised in a memorable judgment of its own, that the recognised policy of the Land Alienation Act is that land belonging to an agriculturist should not be alienated in execution of a decree for a term exceeding 20 years. The provisions of the Act make it quite clear, and lay down that temporary alienations in favour of a non-agriculturist could be made only in accordance with certain definite principles and those principles recognise a limit of 20 years. Now, the honourable member representing the urban Hindus of the North-West Punjab, reminds me that if an agriculturist chose he could give his land in lease to an agriculturist for a term exceeding 20 years. That is perfectly correct. An agriculturist if he chose could even, sell his land outright to an agriculturist. But the question here is whether he should be forced to alienate his land against his will in the execution of a decree for a term exceeding 20 years which has been prescribed as the outside limit for temporary alienations under Section 6. (*Interruption*). Anyhow the courts had, previous to Mr. Bhide's judgment, recognised this limit in practice in execution proceedings. My friend has repeated the word 'dishonesty' more than once. Where is the question of dishonesty here? If a *bania* advances money to an agriculturist, he knows full well that the land of the agriculturist is not available for the liquidation of his debt. Where then comes the question of dishonesty on the debtor's part? Not at all. On the other hand it is the *bania* who wants to resort to tricky ways in order to get hold of the land which belongs to an agriculturist and which the



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law protects. (*Interruption*). Why does he advance money to a man whose land he knows is not available for the liquidation of his debt ?

**Lala Mukand Lal, Puri :** If the agriculturist can afford to repay the debt, why does he take shelter behind this law ?

**Rao Bahadur Chaudhri Chhotu Ram :** The money lender does not advance money to a debtor out of any spirit of philanthropy. He advances money in a perfectly business like manner for the interest which he receives and he knows that the land belonging to a statutory agriculturist will not be leased to him for a term exceeding 20 years. So, the question of dishonesty does not arise at all. The real question before the House is whether the policy of the law is to be enforced or whether the policy of the Land Alienation Act is to be allowed to be defeated by an interpretation which was not under the contemplation of the legislature when that Act was passed. I claim that the object of the Land Alienation Act is not to allow the land belonging to a statutory agriculturist to be alienated for a term exceeding 20 years in execution of a decree or in pursuance of an order of a court of law. If that is correct, then the recommendation that is contained in this resolution is perfectly justified and all members of the zamindar party and all members who have any sympathy with the zamindar class ought to extend their support to this resolution. My contention is that we should not discuss collateral issues, but should confine our speeches to the object which this resolution has in view. We need not discuss the general merits or demerits of the Land Alienation Act itself. The plain question before us is whether the land of an agriculturist is to be allowed to be alienated in execution of a decree or in pursuance of a court's order for a term exceeding 20 years. Such an alienation has been held by the High Court itself to be in contravention of the real spirit and the scope of the Land Alienation Act and therefore every member of this House who has any respect for the object which the Land Alienation Act had in view must support this resolution.

**Lala Kesho Ram Sekhri (Amritsar City, non-Muhammadan, Urban) :** Sir, I had no intention of speaking on this resolution, but the remarks of my honourable friend, Chaudhri Chhotu Ram, have almost compelled me to speak on this resolution. I remarked while he was speaking that he was putting a premium on dishonesty. I expected him and the other zamindar members of this Council that they should tell their constituents that they cannot help the zamindars and that they should meet their debts. They fully realise that at the time of marriage the zamindars approach the *sahukars* for loan. My friend asks : Why does the *sahukar* lend the money ? So, this is the reward for the *sahukar* who helps a zamindar with a loan in his dire necessity. When a big landlord helps his poor fellow man with a loan, what does he do ? He sucks the life-blood of the poor zamindar. The landlord manages somehow or other to get the land of the poor debtor and thus becomes a rich landlord and then comes to this Council to represent some constituency. This is how the big landlords have become rich during the last thirty years. A *sahukar*, on the other hand, will never think of depriving the agriculturist of his land. He would rather like the poor debtor to prosper with his land so that the *sahukar* may continue to earn money from the agriculturist. On the other hand, the so-called landlords who represent these poor persons,

lend money once say Rs. 1,000 at the rate of interest ranging from 50 to 60 per cent. and then, because they do not know arithmetic and cannot calculate, they say 'pay me back double that amount.' That is how the whole matter is settled. The poor fellow says 'I cannot pay.' Then the lender gets hold of the land.

Now, what is the question? It is very simple. It is whether the court should be given discretion in this respect. The court will exercise discretion in accordance with the amount involved in the case. If the court finds that the amount can be repaid in ten years, then it would order a lease of the land for ten years. If the amount can be repaid in 20 years, then it would order the lease of the land for 20 years. If the amount cannot be repaid in 20 years then it would order the lease for a larger number of years. It all depends upon the amount of money involved, and the size of the holding. Instead of this, what is the ideal of the zamindar members of this House? Do they want to tell their zamindar friends how they can be dishonest all their life?

It is not the time that we must go to the electorate and say: look here you have taken money from so and so. We will help you. We are in the Council and we will move a resolution. Your liabilities will be cleared up by one resolution. This is the way in which you want this act to be managed. There is no provision that there would not be a lease for more than 20 years. (*An honourable member*: That is not our intention). That may be in your mind. But as Mr. Justice Bhide has rightly interpreted the section he could not go beyond the wording of the section. If this is not a fact, then you have got a right of appeal. The debtor has no courage to go to the appellate court. He has not filed an appeal. Here are these gentlemen *pro bono publico*. They come here and say: Look here we are going to appeal to this Council and we are going to have the judgment of this Council and we are going to vote against the judgment of Mr. Justice Bhide. Sir, my submission is that this is not the right method. They should follow the right method. They should have told the debtor that he has got a right of appeal. (*An honourable member*: When was this judgment delivered?)

**Chaudhri Zafrulla Khan**: On the 25th of April.

**Lala Kesho Ram Sekhri**: You do not dispute the correctness of the judgment. You want this judgment to be over-ruled by the Council. You want this judgment to be set aside. I have not gone through the judgment, but the debtor has not filed an appeal in the regular Court. When you yourself say that this interpretation is correct then what I would submit that there is nothing wrong in saying that it is non-sensical resolution. It does not convey anything. There is no sense in the resolution. It is a non-sensical resolution. (*Interruption*).

**Mr. President**: Order, Order.

**Lala Kesho Ram Sekhri**: Sir, I do not want to cast any reflection on anybody, but this resolution is non-sensical. It is derogatory. It is a resolution that has no sense. (*Interruptions*.) Sir, this is pure and simple English, if you understand it. When there is no sense in the resolution we call it non-sensical. (*Interruptions and cries of order, order*).

Sir, my submission is that my honourable friend was not justified in moving a resolution of this nature and I would strongly oppose it.

**An honourable member :** The question may now be put.

**Mr. President :** The question is—

“That the question be now put.”

The motion was carried.

**Mr. President :** Before I put the resolution to the House, may I suggest to the honourable mover of the resolution and his supporters that, as they have made their speeches and put their case, they need not press the resolution to the vote of the House. It is not in the interest of parties and communities concerned that the Council should have an unpleasant parting. The Government benches have heard both parties, and will take, I presume, such action as they may feel advised to take in the matter. It is highly desirable in the interest of unity, harmony and pleasant relations, that I should request the honourable mover and his supporters to withdraw the resolution.

**Chaudhri Zafrulla Khan :** With due respect to you, Sir, this is the most astounding proposal that I have ever heard from the Chair that a resolution after being discussed should not be put for the reason that we are going to part from one another and on the last non-official day we should part with cordial feelings on all sides. There has been no practice that on the last non-official day a resolution should not be voted upon. If we do not vote on it on this occasion we shall be no better friends six months hence than we are at present. If we vote upon it, the difference or the divergence between us will not be widened, and I am surprised that the suggestion should have come from the Chair on the ground that this is the last non-official day for this Council.

**The Honourable Captain Sardar Sikandar Hyat Khan** (Revenue Member) : I am grateful to the Chair for making the suggestion and giving me an opportunity to speak on behalf of the Government. My predecessor made a declaration of Government policy in this House sometime ago. With your permission I wish to reiterate that policy, and assure the House that Government still adheres to it. What he said at the time was that Government will neither go a step forward nor a step backward, that is to say, that it will neither permit the scope of the Act to be extended nor allow it to be restricted. So far as the resolution under discussion is concerned I am afraid that it is not possible for Government to accept it in its present form, because it is worded in language which goes beyond the real issue, and I am advised infringes the declared policy of Government as it aims at extending the scope of the Act. So far as the position of Government is concerned, I can assure the House that the matter is receiving the attention of Government and is being carefully considered and if Government comes to the conclusion that it is necessary to amend the Act so as restore the *status quo*, it will not hesitate to do so. I may also mention that personally I feel that *prima facie* Mr. Justice Bhide's *obiter dictum* seems to have created a position which is not in consonance with the spirit of the Act. (*An honourable member :* It is not *obiter dictum*). (*Dr. Gokul Chand Narang.*—It is an interlocutory rule). I stand corrected; as a layman, I am not in a position to differ or expected to be conversant with the niceties of legal expressions. If after careful consideration and study Government finally accepts this view every possible avenue will be explored with a view to restore the *status quo*, and if no other remedy is practicable or feasible, by amending the Act.

**Sayad Muhammad Husain:** I am not at all satisfied with the reply of the Honourable the Revenue Member. We shall on this motion test the Government. If they side with us we shall side with them in return. I press the motion to a division.

**Mr. President:** The question is—

“This Council recommends to the Government to take early steps to so amend the Punjab Alienation of Land Act as to debar all courts and officers of whatever description from directing any alienation of land belonging to a member of an agricultural tribe save a lease in a form permitted by the Act, the period of which may extend to 20 years.”

The Council divided : Ayes 99 ; Noes 89.

**AYES 99.**

Mr. M. A. Ghani.  
 Mir Maqbool Mahmood.  
 Mian Ahmed Yar Khan Daultana.  
 K. B. Chaudhri Fazl Ali.  
 Chaudhri Baldeo Singh.  
 K. B. Khan Muhammad Saifullah Khan.  
 Sayed Mubarik Ali Shah.  
 Rao Bahadur Ch. Chhotu Ram.  
 Mian Nurullah.  
 K. S. Risaldar Bahadur Nur Khan.  
 Chaudhri Yasin Khan.  
 K. B. Malik Muhammad Amin Khan.  
 Chaudhri Zafrulla Khan.  
 Sayad Muhammad Husain.  
 K. S. Rai Shahadat Khan.  
 Mian Mushtaq Ahmed.  
 K. B. Mian Muhammad Hyat Qureshi.

Chaudhri Umar Hyat.  
 Makhdumzada Sayad Muhammad Raza Shah Gilani.  
 Pir Akbar Ali.  
 Shaikh Faiz Muhammad.  
 Khan Muhammad Abdulla Khan.  
 Rana Firoz-ud-Din Khan.  
 Shaikh Abdul Ghani.  
 Sardar Jawahar Singh Dhillon.  
 Sardar Buta Singh.  
 Shaikh Muhammad Sadiq.  
 Sardar Partap Singh.  
 Sardar Harbakhsh Singh.  
 S. S. Sardar Fateh Singh.  
 K. B. Sardar Habibullah.  
 Sardar Bishen Singh.  
 Sardar Mohindar Singh.

**NOES 89.**

Colonel C. A. Gill.  
 Mr. H. Calvert.  
 K. B. Nawab Muzaffar Khan.  
 Mr. W. B. Wilson.  
 Mr. C. A. H. Townsend.  
 The Honourable Malik Firoz Khan Noon.  
 Mr. R. Sanderson.  
 Mr. W. S. Dorman.  
 Mr. H. F. Ashton.  
 The Honourable Mr. Manohar Lal.  
 The Honourable Sardar Sir Jogendra Singh.  
 Mr. Alan Mitchell.  
 Mr. J. D. Penny.  
 Dr. (Mrs.) M. C. Shave.  
 The Honourable Sir Henry Craik.  
 The Honourable Captain Sardar Sikandar Hyat Khan.  
 Mr. C. M. G. Ogilvie.  
 Mr. D. J. Boyd.

Mr. S. L. Sale.  
 D. B. Raja Narendra Nath.  
 Dr. Gokul Chand Narang.  
 R. B. Lala Mohan Lal.  
 Ch. Ram Singh.  
 Lala Mukand Lal Puri.  
 Mr. Owen Roberts.  
 R. B. Lala Sewak Ram.  
 Chaudhri Kesar Singh.  
 Pandit Nanak Chand.  
 Lala Kesho Ram Sekhri.  
 R. B. Lala Ganga Ram.  
 Lala Gopal Das.  
 Lala Jyoti Parshad.  
 R. B. Lala Rattan Chand.  
 Pandit Mehar Chand.  
 Lala Chetan Anand.  
 R. B. Lala Dhanpat Rai.  
 S. B. Captain Dalpat Singh.  
 S. B. Sardar Sheo Narain Singh.  
 Mr. E. Maya Das.

## MOTION FOR ADJOURNMENT.

## REMOVAL OF CHAUDHRI AFZAL HAQ FROM NON-OFFICIAL VISITORS OF JAILS.

**Shaikh Muhammad Sadiq** [Amritsar City, (Muhammadan), Urban] : Mr. President, I beg to move the following motion for the adjournment of the business of the Council for the purpose of discussing a definite matter of urgent recent public importance, namely, the infringement of the privileges of the House and behaviour of Government to a member of the Council as disclosed by Chaudhri Afzal Haq in his recent correspondence between him and Government and its officials regarding his removal from the list of non-official visitors of jails.

Sir, all the members of the House are aware that Chaudhri Afzal Haq was a member of our Council when he was elected to the Standing Committee on Jails. In regard to the non-official members of the Standing Committee, the resolution moved by the honourable member sitting behind me, Sardar Partap Singh in 1924 was accepted by Government. The resolution was to this effect :

“ This Council recommends to the Government that the right conferred by Notification No. 21320, of the 18th September 1924 on the non-official members of the Standing Committee of the Legislative Council for jails of visiting 4 specified for jails be extended to all jails or at least to all jails in which political, Akali or Khilafat prisoners are lodged.”

When this resolution was discussed in Council—it was on the 20th November 1924—the Honourable Sir John Maynard who was then the Finance Member in charge of jails spoke as follows—

“ Feeling sure as I do that it is the judicial spirit, the desire to ascertain really what actually occurs in these cases which actuates a majority of honourable members to support this resolution, I may say that it is my intention on behalf of Government to accept this resolution. I had resolved on that course at an earlier stage of the proceedings, but I was anxious, genuinely anxious, to see to what extent certain honourable members who do not observe the rules of judicial enquiry, would go in their speeches.”

So, after the acceptance of the resolution by the then Finance Member the position came to this, that all the members of this Council elected to the Standing Committee on Jails were *ipso facto* nominated as visitors of all jails in the Punjab. This position has not been altered for the last six years and it has been acted upon up to this time. All at once a few weeks ago we heard that Chaudhri Afzal Haq who was a non-official visitor to our jails was not allowed to enter a certain jail. After that communication in the Press nothing was heard of the matter until a few days back we, the members of this Council, were seized with a shock when we read the correspondence that appeared in the *Tribune* dated July 18th. I have to read with your permission certain extracts from that issue in order to show the awfully disgraceful way in which a member of this House has been treated by the Government. The facts are that on the 28th May a letter was written by the Inspector-General of Prisons to Chaudhri Afzal Haq asking him to see him in his office so that he, Chaudhri Afzal Haq could give him the explanation which was demanded by the Governor in regard to certain statements alleged to be made by him (Chaudhri Afzal Haq) to the staff of the Borstal Institution in the course of one of his visits. I request honourable members to note the most important portions of the correspondence which, I shall read

out, with your permission. This is what Chaudhri Afzal Haq says in his reply to the above letter to the Inspector-General of Prisons :—

“I have received your letter (No. and date). In reply thereto I beg to inform you that I do not find it proper and advisable to comply with your wishes to have an interview with you in respect of some alleged statement made by me to the staff of the Lahore Borstal Institution.

Then he proceeds to give his reasons for arriving at his conclusion. He gives as his first reason :—

“The first reason is this. As a non-official visitor of the jail I may have been under your jurisdiction to such an extent as to obey your official orders to interview you as and when desired. But now that I am no longer a non-official visitor of the jails and officialities have ceased to exist, I do not think that I am under an obligation to comply with your wishes conveyed to me in an official communication.

*Secondly*, the Governor in Council as you are aware has already had the pleasure of removing my name from the list of non-official visitors. When the Governor in Council has already pronounced the final orders and without giving any reason and without allowing me an opportunity of explanation against all accepted canons of propriety and fairness.....”

I need not detain the House by reading out all the rest of the letter, but here is an important sentence :—

“But more objectionable still was the action taken by His Excellency the Governor in Council and yourself in circulating a letter to all Superintendents of Jails ordering them not to allow me to visit any jail without having the courtesy of sending me any information of action taken on or even forwarding to me a copy of the circular letter issued.”

These briefly are the facts. From this letter it appears that before 28th May, His Excellency the Governor in Council removed the name of Chaudhri Afzal Haq from the list of non-official visitors of jails.

On the 28th May, 1930, for the first time the Inspector-General asked him to come to his office to give an explanation of that. Between 29rd and 28th Chaudhri Afzal Haq had gone to visit the jail and there he was shown a paper from the Inspector-General telling him that he had been ordered by the Government not to enter any jail. This is the greatest affront offered by any Government to any member of a House. Government must remember we are not their servants to put up with such an insult as to remove the name of the honourable member of this House without calling upon him to give an explanation. This is a disgraceful act and we condemn it. This House cannot stand and should not stand the insult of the Government. The member is there not by the will of those gentlemen sitting opposite but because the Government at that time accepted once for all that the non-official members of the Standing Committee on Jails shall be non-official visitors of jails and to remove his name without asking an explanation is an act the like of which has never been heard in the history of any legislature in India. Even if a sweeper is dismissed under the Municipal Rules, even if an employee of Rs. 25 is dismissed, his explanation is asked for, but here is Government sitting in 1930 when the whole of the country is on fire offering an insult to a member of the House in not giving him even an opportunity to explain. They asked their officers not to allow this gentleman to enter any jail.

**Mr. C. A. H. Townsend :** I am listening to the honourable mover with the utmost interest but he is speaking with such extreme speed that I find it extremely hard to follow him. Will he kindly speak a little slower ?

**Shaikh Muhammad Sadiq:** This is a bad habit with me. I repeat the same words slowly so that they may reach the inner walls of the officers' ears, so that they might remember that this insult has been borne once and it will never be borne again and again. I was telling the Financial Commissioner that this worthy Government has insulted a member of this House in sending a circular to jail authorities asking them to forbid his entrance in the jails without informing him that such a circular has been sent to the jails. The gentleman goes there on his usual official visits and there he is shown a paper forbidding his entrance. I was telling him that no European would have been treated in such a way. He was submitted to that treatment simply because he was an Indian. Are we simply because we are Indians, simply because we are doing our duty, to be insulted in such a way? This fact that the Government has some allegations against him should have made the Government call upon him to explain matters. They should have gone through this case in a judicial way. They should have explained to him the charges and asked him to give his explanation and produce evidence and if then Government had really found him guilty they might have punished him by doing something. But the fact is that they never called upon him to explain.

**Mr. President:** How many times will the honourable member repeat this argument?

**Shaikh Muhammad Sadiq:** I thought he had not heard me. That is why I had to repeat. The Government thought that by doing such acts they were going to show their strength, but the Government must remember that we do not care whether the Finance Member or the Home Member puts us in jail. Better men have gone there and we are ready to go to jails, if standing for our rights is an offence. Unless and until we uphold the dignity of the House, we are nowhere, and the whole reforms will be a sham. We are here to show that our rights are not to be trampled upon. I am sure the Home Secretary would have given an opportunity to explain even to his sweeper telling him, "Look here boy, this is the complaint against you, what have you to say?" But they have not extended that opportunity to an honourable member of this House.

**Mr. President:** Will the honourable member please state his points?

**Shaikh Muhammad Sadiq:** My complaints are that the gentleman was a member of the Standing Committee and by convention and resolution of the Council accepted by Government he was a non-official visitor of jails elected by the Council. There were certain complaints made by certain Government officials that he said something seditious and on receipt of that letter the Government without asking for an explanation from the gentleman, without giving him a chance to explain, have removed his name from the list of non-official visitors. They might have sent him a letter saying that he was being removed from the list of non-official visitors. Some gentlemen would probably say that his name had not been gazetted in the new list, but this is absolutely wrong. You will notice that this correspondence passed on 28th of May 1980. The new Standing Committee was gazetted on 31st of May. The question is not about the gazetting of his name, but the fact is that his name was removed from the list. I submit that this is an insult to the House that an elected member should be treated in such a

way, and that he should not be given an opportunity to explain his conduct. This is the real charge against the Government.

**Mr. C. M. G. Ogilvie** (Home Secretary): Sir, the honourable mover of the adjournment has laid great stress on the point that Government in this matter has not shown any regard for the privileges of a member of this honourable House. I shall try and show that throughout this most unhappy incident Government's pre-occupation has been to safeguard the privileges of the House and to inflict the minimum of public disgrace that was possible in the peculiar circumstances of the case. The circumstances were briefly these. Most serious allegations were made against the late honourable member by two responsible jail officials.

**Dr. Gokul Chand, Narang**: *Ex-honourable member.*

**Mr. C. M. G. Ogilvie**: Thank you. The allegations were so serious that no Government could possibly for one moment have ignored particularly in the present state of the country in which, as you all know, there are elements which are capable of any action in order to subvert the present order and which regard such action as worthy and patriotic. Government, however, did not accept these allegations immediately but required a sworn affidavit before any action was taken at all. These sworn affidavits were forthcoming, and I do not think I am putting it too strongly to say that they might have been held to have supplied sufficient material for starting a case in a court of law. I say that with due deliberation. Government, however, decided to take the minimum action which it considered the circumstances of the case demanded. The Inspector-General addressed a letter to Chaudhri Afzal Haq on May the 28th informing him that his name had not appeared in the Gazette of May 27th and asking him to call upon him to explain certain allegations that had been made against him. On the following day the 29th May he wrote to all Superintendents of Jails informing them that Chaudhri Afzal Haq was not at present a non-official visitor of jails and that he should not be allowed to enter jails. These directions were necessary in view of the allegations which had been made and which had not been proved to be false and which have not yet been proved to be false. Chaudhri Afzal Haq, however, did not get the letter. I imagine that he is often not at home and that he spends much time or spent much time in visiting the jails of the province. He did not reply to it up to the 10th of June I think, and I can say with certainty that he did not get the letter up to the 3rd June as on that day he actually visited the Gujrat Jail when he received the information that he was not to be allowed to enter it. That I suppose disposes of any contention that might be made that a letter to Chaudhri Afzal Haq informing him that he should see the Inspector-General, Prisons, to explain the allegations against him would have been in itself sufficient. The letter as it has been proved in fact would not have reached him and, as I have said before in view of the allegations made, it was most urgently necessary that he should not visit any other jail, until such time as the allegations had been disproved.

**Mr. President**: There are one or two questions that I would like to ask the honourable member who has just sat down. Did the allegations against the honourable member amount to a criminal offence or not?

**Mr. C. M. G. Ogilvie**: My personal opinion is that they did. If the degree of proof obtained had been considered sufficient, they would have.



**Mr. President :** Was he acting as a member of the House when he misconducted himself ?

**Mr. C. M. G. Ogilvie :** He was.

**Mr. President :** Will the Honourable Leader of the House be pleased to state why the alleged misconduct of a member of this House was not brought to the notice of the House by a motion or otherwise ? (*Hear, hear*). What power had Government to deal with a member of this House for his misconduct as a member ? Under what law or authority did the Government take action against him ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** He was not prohibited from visiting the jails as a member of this House but as a non-official visitor of jails.

**Mr. President :** May I just invite the attention of the honourable member to Standing Order 74-A., under which the Standing Jails Committee was formed ? Chaudhri Afzal Haq, an elected member of this House, was elected by this Council as a member of the Standing Jails Committee, the functions of which are advisory. It is left to the Government to take its advice or not, but its members are representatives of this House, and if any one of them misbehaves himself as a member, should not his conduct be brought to the notice of this House unless it amounts to a criminal offence, in which case the ordinary courts of law will deal with it ? Under what law or authority has Government dealt with Chaudhri Afzal Haq ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** If the Government had waited for this House to meet, more mischief might have been created.

**Shaikh Muhammad Sadiq :** Did Government ask for his explanation ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** Yes.

**Mr. President :** The constitutional position appears to be that the Government had no power to call upon him to explain his conduct as a member of this House and it is admitted that he misconducted himself as such. I do not recognise constitutionally any authority excepting the House itself which could have taken any notice of his misbehaviour as a member of this House. (*Hear, hear and applause*). This appears to be the constitutional position, and so long as I am in this Chair, I must jealously protect the privileges of this House and its members. (*Hear, hear*).

**The Honourable Malik Firoz Khan, Noon :** I should like to know the views of the Chair, because in this case I think we are mixing up Chaudhri Afzal Haq's position as an honourable member of this House, as a member of the Standing Committee on Jails and as a visitor of jails appointed by the Government. This House elects certain gentlemen to be members of the Standing Committee and as members of that committee they hold their position in that committee and are responsible to this House ; but as far as their position as visitors of jails is concerned, they are not there because they are elected by this House and appointed to that position by this House. As far as the jails are concerned, they are a reserved department and the position of Government as far as jails are concerned is quite different from the position of Government as far as transferred departments are concerned.

(*Interruption*). In the case of transferred departments, the responsibility for the administration of these departments legally rests on this House, Parliament having divested itself of that responsibility. With regard to the reserved departments, the responsibility for those departments still rests with Parliament and has not yet devolved on this House. Therefore, if any member is taking any part on the invitation of the Government on the reserved side—and jails is a reserved subject—he is acting there not as an agent of this House but as an agent of the reserved half of the Government. Therefore, I submit that this House should make a difference between a member of a Standing Committee in which case he is responsible to this House being elected by it and a visitor of jails in which case he owes his position not to this House but to the courtesy shown by Government in so appointing him. Therefore, I submit that as far as the privileges of members of this House are concerned, he can claim them if he acts as a member of the Standing Committee. But in this case his action is not as that of a Member of the Standing Committee but as a visitor of jails, who was so appointed by the reserved half of the Government and not by this House.

**The Honourable Sir Henry Craik :** By speaking on the point raised by the Chair, I hope I shall not lose my right of speaking on the motion for adjournment.

**Mr. President :** Certainly not. But before the Honourable Member speaks, I would like to read out to him the relevant portion of Standing Order 74-A (paragraph 188) :—

“ As soon as may be after the commencement of each financial year, standing committees of members of the Council, to the extent shown in Schedule I, shall be constituted for the purpose of advising the Government in such matters as may be referred to them for opinion.”

I may point out that this standing order does not make any distinction between the reserved and transferred subjects. It is open to Government to take the advice of a Standing Committee not only on transferred subjects but also on reserved subjects. Therefore, the contention raised by the Honourable Minister for Local Self-Government does not hold good.

I may also point out that the Government is at liberty to consult a Standing Committee as a committee as well as its individual members. So, when it refers a certain matter to an individual member of a Standing Committee, which *ex hypothesi* is the representative of this Council, it makes the reference to that member as a member of this Council, and if he misbehaves or mis-conducts himself in performing his duty as such member, his misbehaviour should be referred to the Standing Committee and through that Committee to the Council. This appears to be the constitutional position, and I shall be glad to have it clarified, if possible.

**The Honourable Sir Henry Craik :** Chaudhri Afzal Haq has not been removed by the Government from the jails committee. I agree that the Government cannot possibly do that. But as a member of the jails committee Government has conferred on him, as on other members of the committee, the privilege of visiting jails as a non-official visitor. If a member in the capacity of a non-official visitor abuses that privilege, I cannot, Sir, for a moment accept the contention that Government has no right to withdraw that privilege.

**Mr. President :** Certainly, Government has that privilege.

**The Honourable Sir Henry Craik :** If I may take an instance, suppose we find that a non-official visitor of one of our jails is committing a serious offence, is conniving at or assisting in the escape of a prisoner—(*An Honourable Member :* Prosecute him),—or anything like that, I think you will agree that Government will certainly have the right of depriving that member of his privileges and Government would be wrong if it did not act immediately.

**Mr. President :** Certainly the Government has that right, as the functions of the committee are advisory and the Government may not consult that committee or its individual members on any matter whatsoever. But the point is whether they can insult or punish the committee or its individual members. That is what is objected to by the mover of the motion.

**The Honourable Sir Henry Craik :** Government has withdrawn the privilege which Government had felt the honourable member had abused and which Government itself conferred. The honourable member, if he was still a member of this House, will still of course be a member of the Standing Committee on jails. It is only the fact that he resigned from this House that prevents him from being a member of that committee. Had the honourable member remained a member of this House, Government would have taken the first opportunity of reporting to the House the action that it had decided to take, and I fully expected that the honourable member himself would have been present in this House and brought the matter up and I was prepared to meet him. Since he has resigned, I could not do that. But I did not place any obstacles in the way of, nor even raised any objection to, the honourable member, Shaikh Muhammad Sadiq, bringing the question before the House by way of a motion for adjournment. I am perfectly willing to meet him. I contend that the Government has taken the very first opportunity of bringing the matter before the House.

**Mr. President :** It was quite open to the Government to refuse to consult him as member of the advisory committee.

**The Honourable Malik Firoz Khan, Noon :** May I ask a question? Perhaps it will clear the position. As far as I understand, all that the Government has done is that when notifying the names of new visitors of jails, they have withheld his name.

**Mr. President :** He was a member of the jails committee when he was disallowed admission to a jail.

**The Honourable Malik Firoz Khan, Noon :** No.

**Shaikh Muhammad Sadiq :** No, Sir; you have missed two points.

**The Honourable Malik Firoz Khan, Noon :** What I am submitting is this. Of course I am not in charge of this subject, but what I wish to bring to the notice of the House is this. The action of the Government so far as it stands now is confined to this act that having heard these allegations made against certain visitors of jails, on the basis of those affidavits Government decided not to notify his name as a visitor. But as far as his conduct is concerned, it is under consideration.

**Mr. D. J. Boyd** (Chief Secretary): Are we not confusing two quite different things? The Chair itself has informed us that members of standing committees of this House possess an advisory function. Their function is purely advisory. Visiting of jails is an executive act and the authority to perform this executive act is conferred on particular individuals by Government by a notification. It is not conferred on them as members of this House or in any particular capacity. But Government chooses to confer certain powers on them by notification.

**Mr. President**: But the Home Secretary has admitted that he was there as a member of this Council.

**Dr. Gokul Chand, Narang**: Is every member of the Standing Committee on jails an *ex-officio* visitor of jails? (*Voices of "yes" and "no"*). Some say he is and some say he is not. That is the question. If that is settled, then we can proceed further.

**The Honourable Sir Henry Craik**: This is a point that concerns the department in my charge and my answer to the question is perfectly clear. Government has accepted in principle the resolution of this House that members of the Standing Committee on jails shall be given the privilege of visiting jails as non-official visitors. But no member of the jails committee becomes a non-official visitor until he is gazetted by Government and the Superintendent of any jail would be perfectly justified in saying "I cannot admit you because you have not been gazetted, so far as I am aware, by Government." Till Government notifies them they cannot function as non-official visitors and they are not visitors *ex-officio*.

**Mr. President**: That would depend upon the wording of the notification.

**Mr. D. J. Boyd**: Notifications are by name.

**Lala Kesho Ram Sekhri**: And what does the acceptance of the resolution of this House mean?

**The Honourable Sir Henry Craik**: It means that Government agrees to confer on elected members of the standing committee on jails the privileges of non-official visitors and in practice it does invariably confer them. But my point is that when these privileges are abused, it is the right of Government to withdraw them and to withdraw them at once.

**Mr. President**: Are any persons, barring the members of the Standing Jails Committee, the non-official visitors of all jails in the province?

**The Honourable Sir Henry Craik**: Yes, many.

**Mr. President**: May I take it then that Chaudhri Afzal Haq as such was nominated by Government as a non-official visitor of all jails and the fact that he was a member of this Council had nothing to do with his nomination as visitor?

**The Honourable Sir Henry Craik**: That is so.

**Chaudhri Zafrulla Khan**: He was nominated because he was a member of the Jails Committee. Government would never have appointed him for any other purpose whatever.

**Mr. President :** If a gentleman, who happens to be a member of this Council, is asked by Government to attend a conference, does it necessarily follow that he is asked to attend it as a member of this Council ?

**Chaudhri Zafrulla Khan :** No. But if he is nominated only because he is a member ?

**Mr. President :** I do not think Chaudhri Afzal Haq was nominated as a non-official visitor of jails because he was a member of this Council.

**Lala Kesho Ram Sekhri :** I would like to know whether Government has ever nominated any member of any other Standing Sub-Committee as a jail visitor.

**Mr. Owen Roberts :** I am not a member of any committee but I am a jail visitor.

**Mr. President :** For all jails in the province ?

**Mr. Owen Roberts :** Only of one jail in Lahore.

**The Honourable Captain Sardar Sikandar Hyat Khan :** The travelling allowance bills of all members of Standing Committees pass through the Secretary of the Legislative Council. I would like to know whether the travelling allowance bills of the members of the Jails Committee pass through his hands when they visit jails.

**Chaudhri Zafrulla Khan :** Supposing a member of the Standing Jails Committee has been nominated by Government and notified as a non-official visitor for jails in the province. Then supposing two months after that he resigns his seat as a member of this House. Will he after his resignation is accepted continue to be a provincial non-official visitor of jails ?

**Dr. Gokul Chand, Narang** (North-West Towns (Non-Muhammadan), Urban) : Sir, there are two aspects of this question. One is purely legal and technical. The other is one that pertains to the merits of the case. You were pleased to raise this technical question whether, if Mr. Afzal Haq received this treatment as a private individual or as a member of this Council, this Council has any jurisdiction to go into this question. On the other hand, if he received this insult or this treatment or whatever he did as a member of this Council, whether Government had any jurisdiction to deal with him and whether the proper course was not for Government to bring his conduct to the notice of this House, so that the House might be in a position to pronounce upon the propriety or impropriety of his conduct. I may submit, Sir, that it is not necessary that any insult must be done to a member of this House as a member of this House before this House has any right to agitate that question in this Council. I demur to the proposition which you seem to be thinking about. There is a precedent, and if I am not mistaken it was under your presidentship that an adjournment motion was moved in this House and was carried, on the ground that an honourable member of this House was insulted by a Deputy Commissioner. Surely that member was not insulted if he was insulted by the Deputy Commissioner because he was a member of this Council. Or he did not go to visit him because he was a member of the Council, he went to him in his private capacity, and as that member thought that he had not received the treatment which as a private gentleman he expected from the Deputy Commissioner he complained. His complaint was entertained by this

House and an adjournment motion was moved with your permission and it was carried in this House.

Then Sir, there is another precedent, that of Lala Bodh Raj, when he was insulted in a jail by some prisoner or some other persons in a jail when something dirty was thrown over his head. An adjournment motion was moved and if I remember aright, it was I who moved it. That was also carried. That person did not throw that mud on him because Lala Bodh Raj was a member of the Council. The prisoner had no grudge against him because he was a member of the Council but for some other reasons. You were pleased to allow that adjournment motion. Therefore so far as the legality of this motion is concerned there is not the slightest argument that it is perfectly in order. I am not going into the merits of the case yet. I shall presently. But if it is true that without any justification Mr. Afzal Haq was removed from the list of unofficial visitors of the Punjab Jails and if assuming for the sake of argument that it amounts to an encroachment upon the privileges of a member of this House or even an insult to a gentleman who happens to be a member of this House, my submission is that this adjournment motion would be perfectly in order. This is so far as the legal aspect of the question is concerned.

Mr. Firoz Khan, Noon, was pleased to say that he was not there as a member of the Council. This is no doubt a difficult question to answer, but the fact is that he would not have been there if he had not been a member of the Standing Jails Committee, and that Committee had been appointed by this House and he was notified, not because Government looked upon him as an ideal non-official visitor, (*laughter*), but because he had been thrust upon Government by a vote of this House, and therefore so long as he was a member of the Standing Jails Committee, it does not matter whether it was necessary for him to have been notified in the *Punjab Government Gazette*. He was surely there because he was a member of this House and a member of a Standing Committee of this House. Therefore apart from any technicalities the broad facts are there that he was trying to visit that jail when he was stopped because he looked upon himself as entitled to do so on account of his being a member of the Standing Jails Committee which had been appointed by this House. But if you would permit me I would go further into the merits of the motion before the House. The question is not purely a technical one. The question is whether, assuming that he was there as a non-official visitor, the fact that he was a member of this House surely gives jurisdiction to the members of this House to bring his case to the notice of the House and to discuss it on an adjournment motion. I was waiting to hear what the Government had to say on this question, but unfortunately, I speak with all possible respect, the honourable Home Secretary made too brief a speech on this point. We do not know what allegations have been made against Mr. Afzal Haq, nor do we know who the persons are who made these allegations. We learn from the Home Secretary's speech that it was one Superintendent and one Assistant Superintendent of Borstal Institute who made certain allegations against Mr. Afzal Haq. It would have been much better if the Honourable Mr. Ogilvie had taken the House a little more into confidence and had told us the nature of those allegations. He no doubt spoke in a manner as to create a certain amount of alarm and it appeared from his speech that he considered those allegations

[ Dr. Gokul Chand Narang. ]

to be very serious, so much so that Mr. Afzal Haq could be prosecuted in a court of law on those allegations. That would depend upon the merits of the allegations when those allegations are placed before us. But what pains me most and what appears to be the crux of the whole matter is that action was taken against Mr. Afzal Haq without taking care to see that he knew that action was being taken against him. Taking every statement the honourable Home Secretary made before the House to be absolutely correct—and, there is no reason not to take it as such—I would still say, that that does not meet the requirements of the case.

Even in a tu'penny ha'penny case where not much is at stake, no decree would be passed against a defendant unless the court is satisfied that the defendant has been served and no *ex-parte* action would be taken against him unless the court is satisfied that in one of the several ways laid down under the law the defendant has been served. What has been done in this case? In this case the honourable Home Secretary has been pleased to state that it was on the 28th May that a letter was sent to Mr. Afzal Haq. Almost in the same breath Mr. Ogilvie was pleased to say that it appeared that Mr. Afzal Haq was very often not at home. I believe that he passes the bills of Mr. Afzal Haq or some one concerned with the Government passes his bills. So, he must know what the amount and what the frequency of these bills are. That will give him an idea that Afzal Haq is a gentleman who is not generally at home, because he is engaged in the very useful work of visits as a non-official visitor of the Punjab jails. Therefore, it is not sufficient, in my humble opinion, simply to send a letter to the last known address or to the usual place of abode of Mr. Afzal Haq. It is possible for Government to ascertain whether on that particular date Mr. Afzal Haq could be communicated with. If the Government can find out an ordinary criminal and the warrant can be served upon him, with such a vast machinery at the disposal of Government, I am sure it was not difficult and not beyond the resources of Government to find out where Mr. Afzal Haq was. It was their duty to find out and to wait before taking the final action. The letter of the Inspector-General could have been sent by registered post, or there are many peons, a large army of orderlies in the compound of the various offices and one of these could have been sent with a special message if the matter was so urgent. That is the real plea on which the mover of this motion laid so much stress.

**Mr. President :** I may point out that there are only two issues before the House, namely, whether the Government had jurisdiction to deal with a member of this House as they have done; and whether the treatment meted out by Government to a member of this House was proper? These are the two issues before the House and discussion should be confined to them.

**Chaudhri Zafrulla Khan (Sialkot, Muhammadan, Rural) :** Sir, so far as the question of Chaudhri Afzal Haq being a non-official visitor of jails is concerned the position was this. On the 20th November 1924 a resolution was passed by this House and was accepted by the Government to the following effect :—

“ \* \* \* that the right conferred by notification No. 21320 of the 18th September 1924 on the non-official members of the Standing Committee of the Legislative Council for jails of visiting four specified jails be extended to all jails or at least to all jails in which political, Akali, or Khilafat prisoners are lodged.”

The words used, rightly or wrongly, in the resolution which was accepted by Government, the words used were "the right" conferred upon the members of this committee to visit certain jails be extended throughout the province, or at least to those jails where political, Akali or Khilafat prisoners are confined. I shall not go into the allegations made against Chaudhri Afzal Haq. But the question is, supposing for the moment for the sake of argument, that Government was justified in holding that the continuance of Chaudhri Afzal Haq as a non-official visitor of jails was undesirable, whether Government have proceeded in a manner which affects the privileges of this House. My submission is that they should have taken steps to see that he did not remain a member of the Standing Committee on Jails. Government had given an undertaking to this House and had made a promise to this House that those members whom this House chose to put on the Jails Committee would be notified as non-official visitors of jails throughout the province.

**Mr. President :** Will the honourable member please read that particular portion of the debate which refers to this point ?

**Chaudhri Zafrulla Khan :** At page 589 of Volume VII of the debates of this House will be found what the Honourable Sir John Maynard said on this point. This is what he said—

"Feeling sure as I do that it is the judicial spirit, the desire to ascertain really what actually occurs in these cases which actuates a majority of honourable members to support this resolution, I may say that it is my intention on behalf of Government to accept this resolution. I had resolved on that course at an earlier stage of the proceedings, but I was anxious, genuinely anxious, to see to what extent certain honourable members who do not observe the rules of judicial inquiry, would go in their speeches. As I have said it is with much pleasure that I have to announce to the House that the resolution will be accepted by Government."

The resolution is perfectly clear, that is that members elected by this House to the Jails Committee shall be given the right to visit all jails throughout the province. Now the situation arises where a gentleman is elected to the Jails Committee and the Government does not consider it desirable to accept him as a non-official visitor of jails. In such a case it was due to this House that the Government before depriving that member of the privileges which they had already promised to confer upon him should do one of two things. If, possible, it should have ascertained the wishes of this House and tried to persuade this House to take the view which the Government itself had taken ; or, if the matter was of very great and urgent importance and if a meeting of the House could not be called for the purpose, and if Government were pressed to take some action, they were at least in courtesy bound to communicate to this House at the earliest possible moment the decision they had arrived at and the grounds for arriving at that decision. The Government could have communicated this matter to the Secretary or President of the Council who would have circulated it to the members of the Council or placed the papers on the table of this House on the first day it met, that is yesterday. The Government did not do either of these things ; and therefore it was guilty of a grave discourtesy towards this House in this matter, even granting that the course it had taken with regard to the treatment meted out to Chaudhri Afzal Haq was perfectly justified. If Government's explanation had been laid on



[Ch. Zafrulla Khan.]

the table of the House before this motion was moved, then I would have been prepared to acquit the Government of at least this charge. That is the principal point which affects me. Two responsible officials of Government made certain allegations against Chaudhri Afzal Haq. I do not say that those allegations are either correct or false. I have no means of judging whether they are true or false. But Chaudhri Afzal Haq should have been called upon, before withholding his name from the notification, to give his explanation in regard to this affair. So far as I have been able to follow the speech of the Home Secretary, that was not done. The notification withholding his name appeared before he was called upon to justify his conduct. Subsequently, when he was called upon to offer his explanation, he categorically and emphatically denied having made the statements which are attributed to him. I am not in a position to judge as to who is right. It is a case of two officials against one non-official. But Government had no right to assume without making necessary enquiries as to which side was *prima facie* right.

There again the same question arises as to whether the word of an honourable member of this House as to whether a certain incident did or did not occur is to be brushed aside merely because there is the word of two officials against him. I do not say the officials are wrong and I do not say that the member was necessarily right. But there is a suspicion in my mind that Government itself had a doubt as to whether those statements were correct, for, if they had believed them to be correct they would not have hesitated for a second before prosecuting Chaudhri Afzal Haq. In these circumstances I think the honourable mover of this motion was justified in moving this motion.

**Mr. S. L. Sale** (Legal Remembrancer): Sir, the last speaker, my learned friend Chaudhri Zafrulla Khan, has charged Government with grave discourtesy and infringement of the privileges of this House, and in so doing, I think, he agreed with what was the gravamen of the charge brought against the Government by the honourable mover. I think as the result of the very lucid exposition that we recently heard from Dr. Gokul Chand, Narang, it is clear that we must distinguish in this case between Chaudhri Afzal Haq, as a private gentleman and Chaudhri Afzal Haq as a member of this House. And I think, it is apparent that the incident, which is the cause of this adjournment motion, rose out of the treatment of Chaudhri Afzal Haq in his private capacity and not in his capacity as a member of this House; and I feel certain in that in acting as they had done Government had in mind Chaudhri Afzal Haq as a private gentleman and not as a member of this House. They have acted in this way, rightly or wrongly, and I am going to try and show that they acted rightly. Whether the Government was right or whether the Government was wrong it is clear that in taking this action, they never meant any discourtesy towards this House.

**Dr. Gokul Chand, Narang**: Consciously or unconsciously.

**Mr. S. L. Sale**: Yes, consciously or unconsciously. Now, Chaudhri Afzal Haq was notified by Government as a non-official visitor of jails, and, I think, all will agree, that his duty as a non-official visitor of jails was to see to the well-being of the prisoners, to see that they are properly treated

and properly looked after. In this particular case I want to show to the House that Chaudhri Afzal Haq in visiting the Borstal Jail on 7th May 1980, concerned himself with matters which had nothing to do with the well-being of the prisoners.

**Shaikh Muhammad Sadiq :** It is to be proved.

**Mr. S. L. Sale :** Yes, when I put before the House the whole information in possession of the Government, the House can judge. On the 7th of May, Chaudhri Afzal Haq visited the Borstal Jail in Lahore. He had a conversation with Khan Sahib Khair Din, Deputy Superintendent of Jail. That conversation, Sir, was reported to Government. It was reported a few days after.

**Shaikh Muhammad Sadiq :** How many days after ?

**Mr. S. L. Sale :** Well, I do not know the exact number of days.

**The Honourable Sir Henry Craik :** Two or three days after.

**Mr. S. L. Sale :** I think it was not on the same day. It must have been on or about the 9th of May. It had come to the notice of Government, at any rate, four days after.

**Shaikh Muhammad Sadiq :** Please give the exact date.

**Mr. S. L. Sale :** I do not think this point is very material.

**Rana Firoz-ud-Din Khan :** It is very material.

**Mr. S. L. Sale :** The conversation took place on the 7th of May. The essence of the conversation is as follows. I will read the exact words.

**Dr. Gokul Chand, Narang :** The alleged conversation ?

**Mr. S. L. Sale :** Yes, the alleged conversation. It is as follows :—

“ He said the agitation is in full swing now. He cannot go back. It is good Gandhi has gone to jail. His non-violence will not help. Now *thak phak* was required.

**Chaudhri Zafrulla Khan :** Was the original conversation in Urdu ?

**Mr. S. L. Sale :** Yes.

**Chaudhri Zafrulla Khan :** We want it in Urdu.

**Dr. Gokul Chand, Narang :** Was the report sent in Urdu ?

**Mr. S. L. Sale :** The affidavit was sent in Urdu.

**Dr. Gokul Chand, Narang :** What is that *thak phak* ?

**Mr. S. L. Sale :** I myself would have required the same information. I must say that I have never heard the expression before I have seen this correspondence.

**Mr. President :** That is a new expression.

**Mr. S. L. Sale :** The Deputy Superintendent very naturally enquired from Chaudhri Sahib what is *thak phak* ? This is the reply which Chaudhri Afzal Haq gave—

“ There should be a man to man fight. There are a few English officers in the districts. They should be got hold of at once. *Thak phak* means firing shots.”

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The conversation then continued in this strain—

“The English have lost even the sympathy of Mussalmans by firing at Peshawar. Now the fire is ablaze in the whole of the Frontier. Now the Mussalmans will join with Hindus: Now we will get Dominion Status if not complete freedom.”

The Deputy Superintendent, Khan Sahib Khair Din filed an affidavit to support this conversation which Chaudhri Afzal Haq was alleged to have had with him.

**Dr. Gokul Chand, Narang :** Before a Magistrate ?

**Mr. S. L. Sale :** Yes, before a Magistrate. In addition there is evidence from the Assistant Superintendent of the Borstal Institution. Lala Kalu Ram was not present throughout the whole conversation, but he had heard some. What he heard was the most serious part of it.

**Pandit Nanak Chand :** May I ask a question from the honourable member through you whether Chaudhri Afzal Haq had made any allegation with regard to the management of the Borstal Jail ?

**Mr. S. L. Sale :** I have no information on that point. I am only here concerned with the evidence submitted to Government. Lala Kalu Ram said in support of Khan Sahib Khair Din that Chaudhri Afzal Haq said that “now *thak phak* is required.” When the Khan Sahib enquired what *thak phak* meant, the Chaudhri Sahib replied —

“Man to man fight, because there are few English officers in the districts. They should be got hold of at once.”

Lala Kalu Ram corroborated in detail Khan Sahib Khair Din, although it is also alleged that Chaudhri Afzal Haq had a separate conversation with Lala Kalu Ram, in which he made some other observations which are not so very material although they can hardly be said to be concerned with the well-being of prisoners. For instance, Lala Kalu Ram says that Chaudhri Afzal Haq told him that the police had engaged prostitutes to fight with women volunteers. It is quite wrong.

**Dr. Gokul Chand, Narang :** Yes, police engaged prostitutes.

**Mr. S. L. Sale :** No.

**Dr. Gokul Chand, Narang :** Somebody had. I feel sure that the prostitutes were employed.

**The Honourable Sir Henry Craik :** No, no. (*Interruptions*).

**Mr. President :** Order, order.

**The Honourable Sir Henry Craik :** Is the honourable member in order in interjecting a statement like this ?

**Mr. President :** No, the honourable member should not do so.

**Mr. S. L. Sale :** I think, Sir, you will understand that this evidence, whether reliable or not, constitutes a very serious charge against Chaudhri Afzal Haq. The Chaudhri went to the jail, as a non-official visitor charged with the duties of enquiring into the well-being of the prisoners. He had no right whatsoever to enter into any conversation on a political subject with the Deputy Superintendent; a conversation, which I venture to say, had it been made in a public meeting, would have amounted to gross sedition.

**Dr. Gokul Chand, Narang :** Incitement to murder.

**Mr. S. L. Sale :** It has been suggested that it would have been an incitement to murder, and I endorse that suggestion.

**Dr. Gokul Chand, Narang :** Has any action been taken against the Deputy Superintendent for having continued that conversation?

**Mr. S. L. Sale :** Now, I think it will be recognized by everybody that what Government can give, Government can take away.

**Shaikh Muhammad Sadiq :** Without giving notice?

**Mr. S. L. Sale :** Government conferred upon Chaudhri Afzal Haq certain privileges as a private gentleman.

**Pir Akbar Ali :** Not at all. It was as a member of this House.

**Mr. S. L. Sale :** No, as a private gentleman.

**Sardar Buta Singh :** With your permission, Sir, I want to put a question. Are there any other persons who are conferred this privilege and who are not members of this House?

**Mr. S. L. Sale :** I cannot hear the honourable member.

**Mr. President :** The question is whether any non-member of this House has been notified as a non-official visitor of all jails.

**Mr. S. L. Sale :** That is a question which will be replied to by the proper authorities. (*Laughter*).

**Mr. President :** Is no member of Government in a position to reply to this question?

**The Honourable Sir Henry Craik :** I am not certain. It requires notice.

**Mr. S. L. Sale :** Sir, I was submitting that every privilege that Government confers upon any person, it can take back. Government received information supported by affidavit that Chaudhri Afzal Haq had made very improper observations to the Deputy Superintendent of the Borstal Institution, while he was visiting that jail, for the purpose of looking after the well-being of the prisoners. His explanation was invited. (*An Honourable Member :* Was the explanation asked for after his removal from the list?) No. Government had not then removed him from his position as a non-official visitor of jails. I understand that in fact, Government never actually removed him from his position as a non-official visitor. What Government did was that, in consequence of these allegations, they did not include his name in the fresh notification of non-official visitors that was required to issue at the end of May. (*Rana Firoz-ud-din Khan :* When was that notification of the appointment of non-official visitors published in the Gazette and what was the date of that notification?) The notification was I understand dated the 27th May. (*Shaikh Muhammad Sadiq :* There is the paper before me which says that it was on the 26th. I challenge the statement, Sir.) The

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notification was issued and what Government did was that pending the explanation from Chaudhri Afzal Haq, it did not include his name in the renewal notification.

**Mr. President :** The honourable member's time is up.

**Mr. C. A. H. Townsend (Financial Commissioner) :** I came to this interesting debate this afternoon with an entirely open mind. The matter with which it is concerned has nothing whatever to do with me officially and I had not the least information about the details, nothing more than any non-official member of this House.

Now, Sir, I have often heard comparisons between the Punjab and my own country of Ireland. And, while closely following the speeches that have been so eloquently and so interruptedly made by various speakers while also meditating, not of course dozing, in my back seat, I began to consider what would have happened at the present state of Government in Ireland, had a similar incident happened there as is under discussion here now. I can look at the question from a fairly unbiassed point of view, because I am a supporter of neither of the present parties in the Irish Free State though I know a good deal of both of them. The party at present in power in that country is Mr. Cosgrave's: he is the Prime Minister and leader and the opponents of his Government are headed by Mr. De Valera. I was thinking that, supposing such an incident as has been described to-day had happened in Ireland, supposing that Mr. Cosgrave's party had put some members of Mr. DeValera's party in the position of non-official visitors of jails, and supposing further that one of such visitors, a supporter of Mr. DeValera's party, was reported to have behaved in the manner that Chaudhri Afzal Haq is reported to have behaved, I have no doubt whatever that Mr. Cosgrave's government would have taken exactly the action, certainly not less and possibly more, that the Punjab Government has taken in this case. (*Honourable Members :* We beg to differ.) Every one is entitled to have his own views, even the Government members. And in this I think, as reasonable men (we all consider ourselves reasonable men), we should ask ourselves what would be the proper action to take. I am sure that many honourable members of this House who have studied Shakespeare and remember the passage in *Julius Caesar* where Brutus says: "We are all reasonable men." We are, of course, all reasonable men, Sir; honourable members of this House have obtained a well-merited reputation for sanity in their debates indeed in all debates since this Council came first into existence ten or eleven years ago. I ask them, Sir, not to be led away by petty considerations as to the date of this letter on the date of that notification, but to consider broadly what were the duties of Government in this matter, and to agree with us that the Punjab Government in taking the action that they have taken were not only thoroughly justified, but that, if they had not taken such action, they would have grossly failed in their duties to the public.

**The Honourable Sir Henry Craik (Finance Member) :** Sir, one brief point of personal explanation I should like to make before I deal with the main subject of the motion. And that is, that I hope you did not take

it during the discussion on the constitutional point that I was in any way opposing the discussion of this motion. I entirely agree with my honourable friend, Dr. Gokul Chand, Narang who said that the motion was entirely in order and of course it was open to discussion in this House. I hope you did not think for a moment that I was taking an opposite view.

As to the merits of the motion I feel deeply aggrieved that there should be any suggestion that the department of which I am temporarily in charge should have been thought guilty of discourtesy or of infringing the privileges of this House. Dr. Gokul Chand used the word, I think, 'conscious or unconscious.' All honourable members I hope will acquit me of any conscious discourtesy to this House. If unconsciously the action of Government has conveyed that effect to one or two members, I can only say I deeply regret it. But I can assure them that the uppermost consideration in the mind of the Government was the necessity to be careful not to infringe the privileges of this House or to offend the susceptibilities of its members. It was for that reason that we took the action which we did. Chaudhri Afzal Haq made certain statements to Government servants which, whatever be the truth or not—so far the statements have not been refuted—were of an extremely serious character, especially when uttered inside a jail and to jail officials charged with the extremely responsible duty of guarding a number of desperate criminals. Before anything else was done we required those officials, though we had no reason then to doubt the truth of the statements and indeed we have none now, to swear an affidavit before a magistrate. That they duly did. What was our next step? The Inspector-General of Prisons then wrote, under instructions from Government, asking Chaudhri Afzal Haq perfectly politely to call on him and explain certain allegations that had been made against him, and he offered to see him at any time convenient to Chaudhri Afzal Haq. That letter was sent before any action was taken to withdraw the privileges of the member of visiting the jails. It was not till after that letter was despatched and given a start of 24 hours that the Inspector-General wrote—I assume full responsibility as this was also under instructions from Government—to the Superintendents of the various jails saying that for the present Chaudhri Afzal Haq was not to be permitted to enter jails and I still think that that action is right.

What was Chaudhri Afzal Haq's reply to that polite invitation to come and see the Inspector-General? He did not reply at all for 15 days. He then replied contemptuously refusing to come and see the Inspector-General simply saying that he would not come. If Government had insisted on its rights, that might have closed the matter. Government might have said "Very well, we gave him an opportunity of explaining but he rejected it and we will do no more." We did not do that at all. Instead we wrote to him again even more politely. The Inspector-General wrote to the effect that he still hoped that Chaudhri Afzal Haq would think over it and see him. He again rejected the offer contemptuously refusing to come. We thus gave him two opportunities of explaining these very serious allegations against him, and I wish to make this point clear to the House that if Chaudhri Afzal Haq had explained these statements and if we had been convinced that the allegations against him were not founded on facts, we would certainly have restored this privilege to him.

**Shaikh Muhammad Sadiq :** He has given an effective answer.

**The Honourable Sir Henry Craik :** He has given no answer.

**Shaikh Muhammad Sadiq :** Have you read his reply ?

**The Honourable Sir Henry Craik :** I have read his reply, but he has only sent it to the newspapers.

**Shaikh Muhammad Sadiq :** He has written a letter to His Excellency the Governor and is that not sufficient? You are not higher than the Governor.

**The Honourable Sir Henry Craik :** He wrote a letter to the Governor giving his version of the allegations and simultaneously sending the letter to the Press and stating at the end of the letter that he was separately sending his resignation from the Council. That I cannot accept. It is impossible to accept it as an explanation of the charges against him. Having been given two opportunities to come and see the Head of the Department about these statements, both of these he refused to avail himself of. I wish to drive this point home to the House that his privileges as a non-official visitor would have been restored if the Government had been satisfied that the accusations were groundless. The action taken was to suspend these privileges temporarily pending the explanation of the very serious charges made. I submit that in view of the extremely serious nature of the charges that was the only course which Government was justified in taking. Had we allowed this gentleman who had given expression to this very dangerous sentiment or at least had been charged with giving expression to these dangerous sentiments to our officers, I submit that we would have failed in our duty and that we would have taken an action encouraging, especially in these times of grave tension and strain in the jails, indiscipline and possibly mutiny. That, Sir, is my reply to the charge of treating this House with discourtesy and I hope honourable members will accept it and will realize that if they had stood in my shoes they could not have themselves taken a different action. We suspended the privileges for the moment and we asked for his explanation, but the honourable gentleman said that he would not come and explain.

**Shaikh Muhammad Sadiq :** No, the Honourable Member is wrong. He has no right to make wrong statements.

**Dr. Gokul Chand, Narang :** A member has a right to make a wrong statement but he can make it subject to correction (*laughter*).

**The Honourable Sir Henry Craik :** I do complain that just when I am trying to make an important point I am being interrupted again and again. It is not fair to a speaker who has an important subject on which to address the House that he should be interrupted constantly.

**Shaikh Muhammad Sadiq :** I move—

“That the question may now be put.”

The motion was carried.

**Mr. President :** The question is—

“That the House be now adjourned.”

The Council divided : Ayes 99 ; Noes 28.

AYES 99.

|                                   |                                  |
|-----------------------------------|----------------------------------|
| Diwan Bahadur Raja Narendra Nath. | Chaudhri Zafrulla Khan.          |
| Dr. Gokul Chand, Narang.          | Sayad Muhammad Husain.           |
| Rai Bahadur Lala Mohan Lal.       | Khan Sahib Rai Shahadat Khan.    |
| Lala Mukand Lal, Puri.            | Mian Mushtaq Ahmed.              |
| Rai Bahadur Lala Sewak Ram.       | Khan Bahadur Mian Muhammad       |
| Pandit Nanak Chand.               | Hyat, Qureshi.                   |
| Lala Kesho Ram, Sekhri.           | Chaudhri Umar Hyat.              |
| Lala Gopal Das.                   | Pir Akbar Ali.                   |
| Mir Maqbool Mahmood.              | Khan Muhammad Abdullah Khan.     |
| Mian Ahmed Yar Khan, Daultana.    | Rana Firoz-ud-Din Khan.          |
| Chaudhri Baldeo Singh.            | Shaikh Abdul Ghani.              |
| Pandit Mehar Chand.               | Lala Chetan Anand.               |
| Khan Bahadur Khan Muhammad        | Sardar Jawahar Singh Dhillon.    |
| Saifullah Khan.                   | Sardar Buta Singh.               |
| Sayad Mubarik Ali Shah.           | Shaikh Muhammad Sadiq.           |
| Bao Bahadur Chaudhri Chhotu Ram.  | Sardar Partap Singh.             |
| Mr. Din Muhammad.                 | Sardar Harbakhsh Singh.          |
| Mian Nurullah.                    | Rai Bahadur Lala Dhanpat Rai.    |
| Chaudhri Yasin Khan.              | Khan Bahadur Sardar Habibullah.  |
| Khan Bahadur Malik Muhammad       | Sardar Sahib Sardar Ujjal Singh. |
| Amin Khan.                        | Sardar Bishen Singh.             |

NOES 28.

|                                    |                                   |
|------------------------------------|-----------------------------------|
| Colonel C. A. Gill.                | The Honourable Sir Henry Craik.   |
| Mr. H. Calvert.                    | The Honourable Captain Sardar     |
| Khan Bahadur Nawab Muzaffar        | Sikandar Hyat Khan.               |
| Khan.                              | Mr. C. M. G. Ogilvie.             |
| Mr. W. B. Wilson.                  | Mr. D. J. Boyd.                   |
| Mr. C. A. H. Townsend.             | Mr. S. L. Sale.                   |
| The Honourable Malik Firoz Khan,   | Mr. Owen Roberts.                 |
| Noon.                              | Chaudhri Kesar Singh.             |
| Mr. R. Sanderson.                  | Rai Bahadur Lala Rattan Chand.    |
| Mr. W. S. Dorman.                  | Makhdumzada Sayad Muhammad        |
| Mr. M. A. Ghani.                   | Raza Shah, Gilani.                |
| Mr. H. F. Ashton.                  | Sardar Bahadur Captain Dalpat     |
| The Honourable Mr. Manohar Lal.    | Singh.                            |
| The Honourable Sardar Sir Jogendra | Sardar Sahib Sardar Fateh Singh.  |
| Singh.                             | Sardar Bahadur Sardar Sheo Barain |
| Mr. Alan Mitchell.                 | Singh.                            |
| Mr. J. D. Penny.                   | Mr. E. Maya Das.                  |
| Dr. (Mrs.) M. C. Shave.            |                                   |

The Council then adjourned till 11 A. M. on Thursday the 24th July 1980.



*Statement referred to in answer to part (c) of starred Question  
No. 8015 (page 85 ante).*

| Name of Circle.                                  | Number<br>of<br>Munshis taken. | Number of<br>Muhammadans<br>Munshis. |
|--|--------------------------------|--------------------------------------|
| Western Jumna Canal Circle ..                    | 6                              | 2                                    |
| Sirhind Canal Circle .. ..                       | 7                              | 5                                    |
| Upper Bari Doab Circle .. ..                     | 7                              | 2                                    |
| Lower Bari Doab Canal Circle ..                  | 8                              | 4                                    |
| Derajat Circle .. ..                             | ..                             | ..                                   |
| Lower Chenab West Circle .. ..                   | 6                              | 3                                    |
| Lower Chenab East Circle .. ..                   | ..                             | ..                                   |
| Upper Chenab Canal Circle .. ..                  | 2                              | ..                                   |
| Lower Jhelum Circle .. ..                        | ..                             | ..                                   |
| Upper Jhelum Canal Circle .. ..                  | 1                              | 1                                    |
| Ferozepore Canals Circle .. ..                   | 9                              | 5                                    |
| Pakpattan Canal Circle .. ..                     | 11                             | 3                                    |
| Mailsi Canal Circle .. ..                        | 9                              | 4                                    |
| 1st Bahawalpur Circle, Sutlej Valley<br>Project. | 4                              | 3                                    |
| Total ..   | 70                             | 32                                   |

## PUNJAB LEGISLATIVE COUNCIL.

5TH SESSION OF THE 3RD PUNJAB LEGISLATIVE COUNCIL.

Thursday, the 24th July 1930.

THE Council met at the Legislative Assembly Chamber, Simla, at 11 A.M. of the clock. Mr. President in the chair.

### STARRED QUESTIONS AND ANSWERS.

#### TRAFFIC ON THE GRAND TRUNK ROAD.

**\*3023. Lala Mukand Lal Puri :** Will the Honourable Revenue Member be pleased to state—

- (a) whether the attention of Government has been drawn to the inconvenience caused to the citizens of Lahore and the general public using the Grand Trunk Road on the occasions of big fairs or other local gathering held on the bank of the Ravi and Dane Park ;
- (b) whether it is a fact that one way traffic necessitated on such occasions keeps motors and other vehicles held up on either side for hours ;
- (c) whether the Government is aware that this inconvenience and block to the traffic can be removed by widening the bridge on Chota Ravi and the other small bridge over a nullah situate at the junction of the Circular Road and the Grand Trunk Road opposite the new Maternity Hospital ;
- (d) if so, whether Government intends to effect these improvements ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** (a) Yes.

(b) Government received complaints on the subject during Congress week in December last.

(c) Proposals to this effect are under the consideration of Government.

(d) Yes, when funds are available.

#### TREES ON DISTRICT BOARD ROADS.

**\*3024. Chaudhri Zafrulla Khan :** Will the Honourable Minister for Local Self-Government be pleased to state—

- (1) (a) whether it is a fact that the District Boards in the Punjab plant trees on the extreme boundaries of the District Board roads ;

[ Ch. Zafrulla Khan.]

(b) whether it is a fact that the shade of the trees thus planted renders the adjoining lands, sometimes to a depth of 50 feet, unfit for cultivation ;

(c) whether it is a fact that no compensation is paid to the owners of such lands ;

(d) whether it is a fact that land revenue is levied on such lands ;

(2) if the reply to any of the above be in the affirmative what steps, if any, does Government propose to take in the matter ?

**The Honourable Malik Firoz Khan, Noon :** (1). (a) The practice varies according to the nature of the road.

(b) No complaints have been received that the adjoining land had been rendered unfit for cultivation.

(c) Does not arise.

(d) Probably in most cases land adjoining roads is assessed to land revenue.

(2). Does not arise.

#### REPAIR OF DISTRICT BOARD ROADS.

**\*3025. Chaudhri Zafrulla Khan :** Will the Honourable Minister for Local Self-Government be pleased to state—

(1) (a) whether it is a fact that for repairing their roads the District Boards in the Punjab take earth from the adjoining lands of private owners ;

(b) whether it is a fact that the landowners cannot and do not cultivate the strips of land in which hollows and cavities are caused by removal of earth ;

(c) whether it is a fact that no compensation is paid to the zamindars for the lands thus rendered unfit for cultivation ;

(d) whether it is a fact that land revenue is levied on such lands ;

(2) if the reply to any of the above be in the affirmative, what steps, if any, does Government propose to take in the matter ?

**The Honourable Malik Firoz Khan, Noon :** The information asked for by the honourable member is being collected and will be communicated to him when available.

#### REPAIR OF CANALS, MINORS AND DISTRIBUTARIES.

**\*3026. Chaudhri Zafrulla Khan :** Will the Honourable Member for Revenue be pleased to state—

(1) (a) whether it is a fact that for repairing the banks of canal minors and distributaries and also of some canals earth is taken from the adjacent lands of private owners ;

(b) whether it is a fact that the landowners cannot and do not cultivate the strips of land in which hollows and cavities are caused by removal of earth ;

- (c) whether it is a fact that no compensation is paid to the zamindars for the lands thus rendered unfit for cultivation ;
- (d) whether it is a fact that land revenue is levied on such lands ;
- (2) if the reply to any of the above is in the affirmative, what steps if any, does Government propose to take in the matter ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** (1) (a) Yes, where spoil banks do not exist.

(b) No.

(c) No. Detailed rules for the making of borrow-pits in zamindari lands and for payment of compensation already exist.

(d) Yes.

(2) It is considered that the existing rules are quite suitable and sufficiently safeguard the interests of the landowners.

TREES ON THE EXTREME BOUNDARIES OF CANAL DISTRIBUTARIES  
AND MINORS.

**\*3027. Chaudhri Zafrulla Khan :** Will the Honourable Member for Revenue be pleased to state—

- (1) (a) whether it is a fact that the Canal Department plants trees on the extreme boundaries of canal distributaries, minors, etc. ;
- (b) whether it is a fact that the shade of the trees thus planted renders the adjoining lands, sometimes to a depth of 50 feet, unfit for cultivation ;
- (c) whether it is a fact that no compensation is paid to the owners of the lands thus rendered unfit for cultivation ;
- (d) whether it is a fact that land revenue is levied on such lands ;
- (2) if the reply to any of the above be in the affirmative, what steps if any, does Government propose to take in the matter ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** (1), (a) Yes, generally.

(b) No case of land having been rendered unfit for cultivation has been brought to the notice of the department.

(c) Does not arise.

(d) Probably a large proportion of land in the vicinity of canal distributary boundaries is assessed to land revenue.

(2) No need for any special action appears to have been established.

SHAHDARA WEAVING FACTORY—ELECTRIC INSTALLATION.

**\*3028. Chaudhri Zafrulla Khan :** Will the Honourable Minister for Education be pleased to state—

- (1) (a) whether it is a fact that the Shahdara Weaving Factory has got its own electric installation and a tube well ;

[ Ch. Zafrulla Khan. ]

- (b) if so, how much electricity is generated there and what is its cost per unit ?
- (2) (a) why energy required for the Weaving Factory is not taken from the Lahore Electric Supply Co. now that its power house is at Shahdara ?
- (b) what is the difference, if any, between the total expenditure incurred under the present system and the estimate of rent payable for consuming the same amount of energy ?

**The Honourable Mr. Manohar Lal :** (1) (a) No.

(b) Does not arise.

(2) (a) It was not possible in the past to obtain energy required for the weaving factory from the Lahore Electric Supply Company as the Shahdara area was not included in its area of supply. Now that this area has been included Government is considering the desirability of obtaining energy from the Lahore Electric Supply Company.

(b) It is not yet possible to give this information, but the Electrical Engineer is working out estimates of the probable cost of obtaining energy from the Lahore Electric Supply Company.

SHAHDARA WEAVING FACTORY.—USE OF WELL WATER FOR VEGETABLES AND FLOWERS.

\*3029. **Chaudhri Zafrulla Khan :** Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that the water of tube well at the Shahdara weaving factory is used for growing vegetables and flowers in the compound of the Weaving Factory ;
- (b) if so, whether this use of the water of the tube well was sanctioned by Government ; if so, when and why ;
- (c) whether it is necessary to grow vegetables and flowers for running the weaving factory ;
- (d) if not, why the tube well water is used for growing them ?
- (e) how much water is used on maintaining the vegetable and flower garden in the compound of the weaving factory and how much energy is consumed on pumping it ?

**The Honourable Mr. Manohar Lal :** (a) and (d) Yes, but water is not specially pumped out of the tube well for purposes of watering vegetables and flowers. The staff quarters constructed for the weaving factory are provided with incomplete drains which are not connected with any waste water-pit. The drains at present terminate in front of or besides these quarters. It is this waste water which is utilised for the vegetables and grass plots.

(b) No.

(c) No.

(e) Does not arise as only waste water is used for maintaining vegetables and flowers.

## PLANTATION OF TREES ON BOUNDARIES OF P. W. D. ROADS.

**\*3030. Chaudhri Zafrulla Khan :** Will the Honourable Minister for Agriculture be pleased to state—

- (1) (a) whether it is a fact that the Public Works Department in the Punjab plants trees on the extreme boundaries of the roads maintained by it ;
- (b) whether it is a fact that the shade of the trees thus planted renders the adjoining lands, sometimes to a depth of 50 feet, unfit for cultivation ;
- (c) whether it is a fact that no compensation is paid to the owners of such lands ;
- (d) whether it is a fact that land revenue is levied on such lands ;
- (2) if the answer to any of the above be in the affirmative, what steps, if any, does Government propose to take in the matter ?

**The Honourable Sardar Sir Jogendra Singh :** (1) (a) Not now ;  
(b) No case of land having been rendered unfit for cultivation has come to notice ;

- (c) No question of compensation arises ;
- (d) Probably.
- (2) No action appears to be necessary.

## P. W. D. ROADS—REPAIRS.

**\*3031. Chaudhri Zafrulla Khan :** Will the Honourable Minister for Agriculture be pleased to state—

- (1) (a) whether it is a fact that for repairing its roads the Public Works Department in the Punjab takes earth from the adjoining lands of private owners ;
- (b) whether it is a fact that the landowners cannot and do not cultivate the strips of land in which hollows and cavities are caused by removal of earth ;
- (c) whether it is a fact that no compensation is paid to the zamindars for the lands thus rendered unfit for cultivation ;
- (d) whether it is a fact that land revenue is levied on such lands ;
- (2) if the reply to any of the above be in the affirmative, what steps, if any, does Government propose to take in the matter ?

**The Honourable Sardar Sir Jogendra Singh :** (1) (a) Except possibly in the case of waste land in the hills, there is no such practice for obtaining earth for repairing roads.

- (b) I am not aware if land owners leave any roadside land uncultivated.
- (c) Arrangements are sometimes made to obtain earth from adjoining land in the case of new construction but only on payment of compensation.
- (d) I have no information whether land revenue is levied on such lands ;
- (2) The question does not arise.

## VILLAGE COMMUNICATIONS.

**\*3032. Chaudhri Zafrulla Khan :** Will the Honourable Member for Revenue be pleased to state—

- (a) whether he is aware that the village-ways in the Punjab are water-courses and nullahs rather than paths and roads fit for passenger or cart traffic ;
- (b) if so, what steps does Government propose to take to improve the village communications in the province ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** The evil referred to by the honourable member has seriously engaged the attention of Government for some time past. The matter was recently discussed by the Land Revenue Committee of the Legislative Council and as a result of their deliberations it has been referred to Commissioners of Divisions for opinion.

## LAND REVENUE AND ABIANA RATES.

**\*3033. Sayad Mubarik Ali Shah :** Will the Honourable Revenue Member please state—

- (a) whether the Government is aware of the fact that the prices of the produce of land had gone very high during and some years after the 'Great War ;'
- (b) whether it is a fact that the assessment of the land revenue was mostly based on these high prices in the settlement operations which took place after the Great War, and the *abiana* rate were also enhanced during the same period ;
- (c) whether it is a fact that the prices of the produce of land have gradually lowered since the last few years, and have reached an unprecedented low scale ;
- (d) if so, what action Government intend to take to relieve the zamindars from the high level of land revenue and *abiana* rates imposed on them ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** (a) Speaking generally prices went to high and occasionally to very high levels during the period in question.

(b) As to land revenue the honourable member is misinformed. In the great majority of the districts of the Province the land revenue now in force is based on pre-war prices. The question of *abiana* was fully discussed in the first non-official resolution of this session of this Council.

(c) Prices have in recent years shown a distinct tendency in most cases to drop from the levels attained during the War.

(d) Does not arise in view of the answer to part (b).

## ESCAPE CHANNEL IN THE LOWER JHELUM CANAL.

**\*3034. Sayad Mubarik Ali Shah :** Will the Honourable Revenue Member please state—

- (a) whether it is a fact that there is an escape channel immediately above the head of the Massan Rajbah of the Lower Jhelum

Canal; and the canal authorities let the surplus water in that channel;

- (b) whether it is a fact that this escape passes through the areas of the villages of Thatta-Umra, Bhalewala, Nurpur, Pipil Bhuttian, Ahmedewala and falls into the Chenab river in the vicinity of Qila Maru;
- (c) whether it is a fact that this escape causes great damage to the crops which come in its way to the river, on account of the absence of regular embankments in most of these villages;
- (d) whether it is a fact that this matter has been brought to the notice of the authorities concerned by the zamindars on several occasions, but no step has so far been taken to remedy this, up to this time;
- (e) if so, what action Government intend to take in the matter?

**The Honourable Captain Sardar Sikandar Hyat Khan :** (a) Yes. There is an escape. Surplus water is let into it whenever an emergency arises.

(b) Yes.

(c) and (d). No complaints have been received of damage to crops during recent years.

(e) Does not arise in view of the reply above.

PROPORTION OF MUSLIMS IN CERTAIN HONORARY POSTS IN JHANG DISTRICT.

\*3035. **Sayad Mubarik Ali Shah :** Will the Honourable Finance Member please state—

- (a) the proportion of the Muslim and non-Muslim communities of the Jhang district on population basis;
- (b) the proportion of honorary officers and posts, such as honorary sub-registrar, honorary magistrates, honorary civil judges and non-official visitors of the Jhang District Jail, held by the members of each community;
- (c) if the proportion of the Muslim community falls much below its share, what are the reasons for ignoring the services and rights of this community in the Jhang district, and what steps, if any, does the Government propose to take to give the Muslims their rightful share?

**The Honourable Sir Henry Craik :** (a) The total population of the Jhang district is 570,559 out of which 475,388 are Muslims. The proportion of Muslims, as compared with the total population of the district, is 83.31 per cent.

(b) and (c). The information is being collected and will be supplied to the honourable member when ready.



## SAGALS OF CHAK NO. 246, DISTRICT JHANG.

**\*3036. Sayad Mubarik Ali Shah :** Will the Honourable Revenue Member please state—

- (a) whether the Sagals of Chak No. 246 District Jhang and of the adjoining chaks were placed under the Criminal Tribes Act, some years ago, and a punitive police post was created there ;
- (b) whether the strength of the police originally stationed there has been gradually decreased since its establishment there, owing to the reformation of their (the Sagals') conduct ;
- (c) whether these Sagals have represented their case to the Local Government for the abolition of the remaining police force in their chaks ;
- (d) if so, what action Government intends to take in the matter ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** The information is being collected and will be communicated to the honourable member when received.

## RECRUITMENT OF FOOT CONSTABLES IN THE JHANG DISTRICT.

**\*3037. Sayad Mubarik Ali Shah :** Will the Honourable Finance Member please state—

- (a) whether any foot constables of police have been recruited in the Jhang district since January last ;
- (b) whether any requisition was made by the Superintendent of Police, Jhang, to the Superintendent of Police, Hoshiarpur, and some other districts to provide him with Hindu recruits as foot constables in the Jhang police ;
- (c) whether it is a fact that several Muslim youths of Jhang who offered to be recruited as foot constables were refused service ;
- (d) what were the special reasons for giving preference to Hindu youths over the Muslims in a predominantly Muslim district like Jhang ?

**The Honourable Sir Henry Craik :** (a) Twenty-one, of whom three have since resigned.

(b) No.

(c) No : those Muslim youths considered as unsuitable were refused service in accordance with the rules.

(d) No special preference was given to Hindu youths.

## VETERINARY ASSISTANT SURGEONS—MUSLIMS.

**\*3038. Shaikh Abdul Ghani :** Will the Honourable Minister for Agriculture be pleased to state—

- (a) what is the percentage of representation of the Muslim community in the cadre of Veterinary Assistant Surgeons (English course).

- (b) whether this proportion is according to the proportion of the Muslim population in the province ;  
 (c) if not, will Government consider the question of filling the new posts with Muslims till they find suitable representation in the service ?

**The Honourable Sardar Sir Jogendra Singh :** (a) The percentage of representation of the Muslim community in the cadre of Veterinary Assistant Surgeons (English Course) is 27.

- (b) No.  
 (c) Their claims will as heretofore be carefully considered.

OFFICIAL RECEIVERS —COMMUNAL REPRESENTATION.

**\*3039. Shaikh Abdul Ghani :** Will the Honourable Home Member be pleased to state—

- (a) what is the total number of official receivers in the province ;  
 (b) how many of them are Hindus and how many are Muslims ;  
 (c) what are the reasons for the obvious disparity of the proportional representation of the two communities ;  
 (d) what steps are being taken to safeguard the interests of the Muslims in respect of this appointment ?

**The Honourable Sir Henry Craik :** (a) 13.

- (b) 10 Hindus.  
 2 Sikhs.  
 1 Muslim.

(c) The present position has been the result of gradual growth extending over a period of more than twenty years. Until recently difficulty was experienced in finding lawyers who would accept these posts, and those who were willing, were in most cases Hindus.

(d) Honourable member's attention is drawn to reply to part (b) of Pir Akbar Ali's question No. 1749.<sup>1</sup>

WATERWORKS AT PINDI DADAN KHAN.

**\*3040. Dr. Gokul Chand, Narang :** Will the Honourable Minister for Local Self-Government be pleased to state—

- (a) whether the installation of water-works at Pindi Dadan Khan has been taken in hand ;  
 (b) if so, when is the scheme likely to be completed ?

**The Honourable Malik Firoz Khan, Noon :** (a) Sanction for the immediate construction of a temporary water supply scheme to tide over the present crisis was given about a month ago, and it is believed that construction has commenced or is about to commence immediately.

(b) The temporary scheme should not take more than a few months to complete, and it is intended that this should function until the permanent scheme is constructed.

**Dr. Gokul Chand, Narang :** When is the permanent scheme likely to be taken in hand ?

**The Honourable Malik Firoz Khan, Noon :** The difficulty about the permanent scheme is that originally a scheme was worked out after a good deal of consideration by the Urban Sanitary Board, the local authorities, the Sanitary Department and the Health Department and the scheme was to bring the water supply from the spring at Watli 16 miles from Pind Dadan Khan. That scheme was expected to cost about 10 lakhs of rupees. But the Government felt that some of our towns were unable to pay even 25 per cent. of the grant, leave alone the usual 50 per cent., specially so is the case in Pind Dadan Khan, a town which is so poor that it would have been practically impossible for them to pay even 25 per cent. Therefore, we requested the Superintending Engineer, Mr. Nanda, to try and work out a permanent scheme which will cost not so much as the Watli scheme either to Government or to the municipal committee, with the result that Mr. Nanda and his officers have visited the spot again and have found that the North-Western Railway has a well which is working for several years at a distance of about 8 miles from Pind Dadan Khan on the bank of the River Jhelum. They felt that if they were to bring the water supply from a well of their own at that place, they would be able to reduce the cost to 2½ lakhs. This second scheme is being examined by the Urban Sanitary Board and the Sanitary Department and when that is completed it will be carefully considered by Government. The original water-works have been washed away recently by the river and the engine and its room have fallen into the river. On hearing this we at once sent our Health Department officers there.

**Lala Kesho Ram, Sekhri :** Is it an answer or a speech which is being delivered ?

**Mr. President :** Order, order. He is giving reply to a question.

**Dr. Gokul Chand, Narang :** I am very grateful to the Honourable Minister, and I would request you to allow him to proceed.

**The Honourable Malik Firoz Khan, Noon :** When we heard that the old water-works had been washed away by the recent floods, we at once sent down our staff to work out a new scheme. The only other scheme which could be worked out immediately was that the President of the Municipal Committee allowed his own well to be used by the Sanitary Department and Mr. Nanda worked out a scheme which would cost about Rs. 28,000. That will connect the old pipes with the new well and give them a complete set of new engines and machinery and everything else at the entire cost of the Government. The Urban Sanitary Board had at its last meeting granted cent. per cent. grant to cover the whole of this extra expenditure and the work is in the hands of the Sanitary Department, and it is hoped that it will be completed as soon as possible.

CONVICTIONS IN THE PUNJAB UNDER THE INDIAN PENAL CODE, THE POLICE ACT, THE CRIMINAL LAW AMENDMENT ACT AND THE ORDINANCES OF 1930.

\*3041. **Dr. Gokul Chand, Narang :** Will the Honourable Member for Finance be pleased to state the number of persons convicted in the Punjab since the 6th of April 1930, under section 124-A, I. P. C., the Police Act, the Criminal Law Amendment Act and the various Ordinances recently issued by His Excellency the Governor-General ?

**The Honourable Sir Henry Craik:** The number of persons convicted in the Punjab, since the 6th April 1930, is—

|   |    |           |
|---|----|-----------|
| (i) under section 124-A, I. P. C.         | .. | 77        |
| (ii) under the Criminal Law Amendment Act | .. | 72        |
| (iii) under the various Ordinances        | .. | 676       |
| (iv) under the Police Act                 | .. | Not known |

OFFICERS IN MANDI HYDRO-ELECTRIC DEPARTMENT.

**\*3042. Dr. Gokul Chand, Narang:** Will the Honourable Minister for Agriculture be pleased to state the names of persons employed in the Mandi Hydro-Electric Department drawing more than Rs. 800 per mensem together with the details of the charges held by them?

**The Honourable Sardar Sir Jogendra Singh:** I cannot say till I hear from the authority concerned who has been requested to supply the necessary information.

**Dr. Gokul Chand, Narang:** The Honourable Minister promised to send a reply to a question which was put in 1929, I think it was July 1929, and I am still waiting for that reply, and I hope that would not be the fate of the answer to this question.

**The Honourable Sardar Sir Jogendra Singh:** I am rather surprised to hear that. The honourable member could have written to me and enquired about it.

**Lala Mukand Lal, Puri:** May I request the Honourable Minister to send an answer to my questions before the dissolution of the Council, that is, 31st August 1930?

**The Honourable Sardar Sir Jogendra Singh:** The answer will be given before the dissolution.

PAMPHLET OF MR. M. C. SHARMA, PUNJAB IRRIGATION DEPARTMENT.

**\*3043. Dr. Gokul Chand, Narang:** Will the Honourable Minister for Agriculture be pleased to state—

- whether a pamphlet published by Mr. M. C. Sharma, S.D.O., Irrigation Department, Punjab, has been brought to his notice;
- if so, whether the allegations made therein are correct;
- if not, what steps does the Honourable Minister propose to take to contradict the allegations, if any, which according to him are not correct?

**The Honourable Sardar Sir Jogendra Singh:** (a) No pamphlet published by Mr. M. C. Sharma, S. D. O., Irrigation Department, has come to notice.

(b) and (c). Do not arise.

**Dr. Gokul Chand, Narang:** Has it come to the notice of the Honourable Minister?

**The Honourable Sardar Sir Jogendra Singh :** I have read some papers.

**Dr. Gokul Chand, Narang :** What is the difference between the Honourable Minister for Agriculture and the Government ?

**The Honourable Sardar Sir Jogendra Singh :** The Minister with the Governor makes the Government.

**Dr. Gokul Chand, Narang :** Has the pamphlet not been brought to the notice of the Governor ?

**The Honourable Sardar Sir Jogendra Singh :** I am not aware of it.

**Dr. Gokul Chand, Narang :** If it has come to the notice of the Minister, then (b) and (c) do arise.

**The Honourable Sardar Sir Jogendra Singh :** If the honourable member would like to have my personal reply to (b) and (c), I have no hesitation in mentioning that Mr. Sharma presented his case to the Mandi Enquiry Committee and the report of the Mandi Enquiry Committee is out.

**Lala Kesho Ram Sekhri :** This pamphlet came out after the Mandi Report came out.

**The Honourable Sardar Sir Jogendra Singh :** The matter in this pamphlet is identical with the evidence which Mr. Sharma gave before the Enquiry Committee.

**Lala Kesho Ram Sekhri :** Will it be circulated amongst the members ?

**The Honourable Sardar Sir Jogendra Singh :** It is in the Library of the House.

**Lala Kesho Ram Sekhri :** Why should it not be circulated to the members ?

**The Honourable Sardar Sir Jogendra Singh :** According to the usual practice the report has been placed in the Library and any member who wants to have that report can have it.

**Dr. Gokul Chand, Narang :** That is not the usual practice, with due deference to the Honourable Minister. Whenever any document of importance is published by Government it is as a rule circulated to the members of the House.

**The Honourable Sardar Sir Jogendra Singh :** If the members of the House desire, I shall have no objection in circulating the report of the Mandi Enquiry Committee at the earliest possible moment to the members, in case copies are available.

**Lala Kesho Ram Sekhri :** If it is not available, it should be republished and circulated.

**The Honourable Sardar Sir Jogendra Singh :** Very well.

**Lala Kesho Ram Sekhri :** When this Enquiry Committee was instituted the Chair gave a suggestion or an order to the effect that the Enquiry Committee report shall be circulated amongst the members of the Council. If it had been circulated, we would have been able to discuss it in this session. Now the Council is deprived of discussing this Enquiry Committee report.

**The Honourable Sardar Sir Jogendra Singh :** The summary of the report was published in the Gazette which was circulated to all members, and the full report was placed in the Library.

**Dr. Gokul Chand, Narang :** Is it a fact that an order for goods worth a crore and-a-half was placed after the Committee had been appointed and before this report was published ?

**The Honourable Sardar Sir Jogendra Singh :** Does that arise out of the question ?

**Mr. President :** It is for the Honourable Minister to say that he requires notice.

**The Honourable Sardar Sir Jogendra Singh :** I require notice of this question.

**Mr. H. F. Ashton :** Is it a fact that Mr. Sharma has published a pamphlet ?

**Dr. Gokul Chand, Narang :** Has not the honourable member, being the Chief Engineer, received a copy of that pamphlet ?

**Mr. H. F. Ashton :** I have received no copy of the pamphlet.

#### BHAKRA DAM SCHEME.

**\*3044. Dr. Gokul Chand, Narang :** Will the Honourable the Revenue Member be pleased to state—

(a) whether any action has been taken to take in hand the work of the construction of Bhakra Dam ;

(b) if not, will Government be pleased to state when it is likely to take up this work ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** (a) The construction of the Bhakra Dam cannot be taken in hand until the project has received the sanction of competent authority, to whom it will be forwarded when ready.

(b) Government is unable at present to estimate the date when construction will commence.

#### SUPPLY OF UNIFORM TO CHAUKIDARS BY GOVERNMENT.

**\*3045. Chaudhri Ram Singh :** With reference to the answer to supplementary question to starred question No. 2900<sup>1</sup> put by me on 8th March, 1930, will the Honourable Member for Revenue be pleased to state the result of enquiries made by Government ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** It is regretted that enquiries are not yet complete. A reply will be communicated to the honourable member in due course.

#### DAMAGE OF CROPS—CONCESSIONS TO ZAMINDARS OF KANGRA DISTRICT.

**\*3046. Chaudhri Ram Singh :** With reference to the answer to starred question No. 2739<sup>2</sup> put by me on 6th December 1929, will the Honourable Member for Revenue be pleased to state the nature of concessions given to

<sup>1</sup> Vol. XV, pages 378-379.

<sup>2</sup> Vol. XIV, pages 705-706.

[Ch. Ram Singh.]

those zamindars of the Kangra district, whose crops were badly damaged as the result of hailstorms, giving details of the concessions tahsilwise ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** The following statement shows the remissions of land revenue allowed to zamindars whose crops were damaged by hailstorms. No other concessions were allowed :—

| Tahsil.          | Khalsa.  |    |    | Assigned. |    |    |
|------------------|--|----|----|-----------|----|----|
|                  | Rs.  | A. | P. | Rs.       | A. | P. |
| Kangra .. .. .   | 7,916  | 9  | 9  | 1,528     | 3  | 6  |
| Nurpur .. .. .   | 282  | 0  | 0  | 18        | 0  | 0  |
| Palampur .. .. . | 206  | 7  | 4  | ..        | .. | .. |
| Kulu .. .. .     | 28   | 6  | 9  | 6         | 8  | 6  |
| Dehra .. .. .    | No remissions allowed.<br>Damage inconsiderable. |    |    |           |    |    |
| Total .. .. .    | 8,888  | 7  | 10 | 1,547     | 12 | 0  |

LAND REVENUE RATES IN KANGRA DISTRICT.

\*3047. **Chaudhri Ram Singh :** Will the Honourable Member for Revenue be pleased to state—

- whether it is a fact that the last settlement of Kangra district took place in 1917-18 when the prices of foodstuffs had risen as a result of the Great War ;
- whether it is a fact that the prices of foodstuffs have now fallen to a very large extent ;
- if so, do Government propose to reduce the land revenue rates in Kangra district ? If not, why ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** (a) The current settlement of the Kangra district was carried out between the years 1912-18. This period includes the period of the Great War.

(b) Yes, if by 'now' is meant the present year.

(c) No, as there are no valid grounds to do so. The prices assumed for assessment purposes were not the high prices of foodstuffs that were prevalent during the period of War, but they were based on an average of the prices that were current during the period of the previous settlement, i.e., prior to the years 1912-18, in accordance with the instructions on this matter laid down in paragraphs 881-887 read with Appendix XI of the Settlement Manual.

## GRANT OF SQUARES TO ZAMINDARS IN KANGRA DISTRICT.

**\*3048. Chaudhri Ram Singh :** Will the Honourable Member for Revenue be pleased to state—

- (a) the number of squares of land granted to each one of the zamindars of Kangra district whose land was acquired in connection with the construction of the Kangra Valley Railway ;
- (b) the names of such recipients and the details of such grants ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** The areas granted to the zamindars of Kangra district whose land was acquired in connection with the construction of the Kangra Valley Railway are as follows :—

|                       | Name of grantees. |    |    | Area reserved. |    |    |
|-----------------------|-------------------|----|----|----------------|----|----|
|                       | A.                | K. | M. | A.             | K. | M. |
| Laohhi Sahai          | ..                | .. | .. | 16             | 6  | 18 |
| Moti Lal and others   | ..                | .. | .. | 19             | 0  | 0  |
| Amir Chand and others | ..                | .. | .. | 11             | 0  | 0  |
| Kishan Lal            | ..                | .. | .. | 22             | 0  | 0  |
| Kesho Ram             | ..                | .. | .. | 16             | 8  | 12 |

They have agreed to take possession in September next.

They are paying full market value for the land so allotted.

## EFFECT OF THE BHAKRA DAM ON THE LEVEL OF WATER IN THE INDUS.

**\*3049. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Revenue kindly state—

- (a) whether the Committee of Superintending Engineers appointed to examine the effect (if any) of the Bhakra Dam on the level of water in the Indus and on the supply of water for the inundation canals of Sind has submitted its report ;
- (b) if the report has been submitted whether the Government has any objection to a copy of it being placed on the table of the House ;
- (c) if the report has not been submitted yet, when it is expected to be ready ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** (a) No.

(b) Does not arise.

(c) It is hoped that the report will be ready in October next.

## HINDU AGRICULTURISTS IN THE EDUCATION DEPARTMENT.

**\*3050. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Minister for Education kindly state—

- (a) the names of two of the senior most Hindu agriculturists (statutory) serving in Rs. 140—190 or Rs. 200—250 grade of the Subordinate Educational Service (Anglo-Vernacular section) ;



[R. B. Ch. Chhotu Ram].

(b) the names of four of the juniormost Hindu non-agriculturists who hold the post of District Inspector of Schools whether in permanent or in an officiating capacity ;

(c) how the two gentlemen referred to in (a) compare with the four gentlemen referred to in (b) in point of their length of service and their actual salaries ?

**The Honourable Mr. Manohar Lal :** (a), (b), (c). The statement giving the required information is laid on the table—

| Name of 2 seniormost statutory agriculturists in the grade of Rs. 200—250 S. E. S., A. V. Section. | Designation  | Date of joining Govt. service. | Present pay per month. | Name of 4 juniormost Hindu non-agriculturists holding the post of District Inspector. | Designation.      | Date of joining Govt. service. | Present pay per month. |
|--|--|--------------------------------|------------------------|---|-------------------|--------------------------------|------------------------|
| Ch. Pran Nath  | D. I., Karnal  | 17-9-1915                      | Rs. 230 p.m.           | L. Sarup Singh.   | D. I., Rohtak.    | 1-5-24                         | Rs. 230 p.m.           |
| Th. Rama Nand Singh.   | Head Master, G. H.S., Sirsa, and offg. D. I., Gurgaon. | 1-4-1921                       | Rs. 230 p. m.          | Pt. Muri Dhar.  | D. I., Jullundur. | 1-4-12                         | Rs. 230 p. m.          |
|  |  |                                |                        | L. Prabhu Dyal.   | D. I., Ambala.    | 18-11-12                       | Rs. 210 p.m.           |
|  |  |                                |                        | Ch. Jhandu Lal.   | D. I., Simla.     | 10-11-15                       | Rs. 160 p.m.           |

THAKUR RAMANAND SINGH OF GOVERNMENT HIGH SCHOOL, SIRSA.

**\*3051. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Minister for Education kindly state—

(a) what is the length of service of Thakur Ramanand Singh, Headmaster of Government High School at Sirsa, and what is the actual salary which he is receiving at present ;

(b) how many of the Hindu District Inspectors of Schools in the Province are statutory agriculturists ;

(c) the reasons which prevented the selection of Thakur Ramanand Singh for the post of District Inspector ?

**The Honourable Mr. Manohar Lal :** (a) (1) Nine years and three months.

(2) Rs. 230 per mensem.

(b) One (i.e., Ch. Pran Nath).

(c) Does not arise as Th. Ramanand Singh has already been appointed to officiate as District Inspector of Schools, Gurgaon.

SELECTION OF RURAL AREAS, AMBALA DIVISION, FOR INTRODUCTION OF  
VOLUNTARY COMPUSSION.

**\*3052. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Minister for Education kindly state—

- (a) the total number of rural areas which have so far been selected for the introduction of voluntary compulsion in the Ambala division ;
- (b) the names of any four typical rural areas in each of the districts of the Ambala division, the population of school-going age in each of these areas, and the number of scholars actually on the rolls of each of the schools serving these areas ?

**The Honourable Mr. Manohar Lal :** (a) 994 up to the end of March, 1930.

(b) Information is being collected and will be supplied to the honourable member when ready.

UNSTARRED QUESTIONS AND ANSWERS.

ARREST AND TRIAL OF CAPTAIN J. N. LUTHRA, MEDICAL PRACTITIONER,  
LAHORE.

**1774. Dr. Gokul Chand, Narang :** Will the Honourable Member for Finance be pleased to state—

- (a) whether it is a fact that at the end of the year 1926 Captain J. N. Luthra, M.B., B.S., Medical Practitioner, Lahore, was arrested and a case was started against him under Section 409, and Section 477-A, I. P. C. ;
- (b) whether it is a fact that certain important documents were kept back by those in charge of the investigation of the case, and that if those documents had been brought to the notice of the Government, the Government might not have prosecuted Captain J. N. Luthra ;
- (c) whether it is a fact that Captain J. N. Luthra was acquitted of the charge under Section 477-A by Mr. A. Esar and of the second charge by the High Court ;
- (d) whether it is a fact that the trial lasted for about 2½ years ;
- (e) whether any representations were made by Captain J. N. Luthra to the Government for compensation for wrongful prosecution involving a great deal of expense, worry, trouble and disgrace ;
- (f) if so, what action has the Government taken on Captain Luthra's representations ?

**The Honourable Sir Henry Craik :** (a) Yes.

(b) There is no foundation whatever for this suggestion. On the contrary the documents available were all carefully examined.

(c) Yes.

(d) The case remained *sub judice* for about 2 years.

(e) Yes.

(f) His petition was rejected.

REPRESENTATION OF MOZANG RATE-PAYERS' ASSOCIATION AGAINST  
DIVISION OF MUNICIPAL WARDS, LAHORE.

1775. **Dr. Sir Muhammad Iqbal** : Will the Honourable Minister for Local Self-Government please state—

- (i) whether the Government is aware that the distribution of Lahore Municipal Wards proposed in the Notification No. 9225, dated 17th March 1980, has caused dissatisfaction on account of its inequality of voting strength and unequal geographic division ;
- (ii) whether it is a fact that the Ratepayers' Association, Mozang, Lahore, and the residents of civil Muslim wards Nos. 8 and 9 have submitted a representation to Government against the proposed division of their wards ;
- (iii) whether it is a fact that the whole case along with the objections was sent by the Local Self-Government to the Deputy Commissioner, Lahore, for report who has not given consideration to the objection raised by the electors ;
- (iv) if the answer to the above be in the affirmative, what action Government intend to take in the matter ?

**The Honourable Malik Firoz Khan, Noon** : (i) Certain objections have been received in regard to some of the wards.

(ii) Yes.

(iii) and (iv) Local officers were asked to report and an interim report was received from the Deputy Commissioner who has now been asked to submit a final report on all the objections received.

TUNNELLING WORK ON SUNDAYS IN MANDI HYDRO-ELECTRIC WORKS.

1776. **Lala Gopal Das** : Will the Honourable Minister for Agriculture kindly state—

- (a) whether it is a fact that the labour employed at present in tunnelling the rock in connection with the Mandi Electric Works, works even on Sundays ; if so, does Government pay them extra wages for Sundays, or do they intend to compensate them later on at the completion of the works ;
- (b) how long it will take to complete the tunnel ?

**The Honourable Sardar Sir Jogendra Singh** : (a) Yes—the labour works on Sundays and their wages are calculated accordingly. They are allowed off, however, on their religious festivals.

(b) About two years.

ACTION ON UNEMPLOYMENT COMMITTEE'S REPORT.

1777. **Lala Gopal Das** : Will the Chief Secretary kindly state whether the Government has taken or intend to take any action on the Report of the Committee appointed by Government to enquire into the causes of unemployment among educated people ; and if so, what is the nature of such action ?

**Mr. D. J. Boyd :** The action which the Government have taken or intend to take on the report of the committee appointed to enquire into the causes of unemployment among educated people will be found in their Resolution No. 17409 (Home-General), dated 19th May 1930, which was published in the *Punjab Government Gazette* of the 23rd May 1930.

HAVELIAN IRRIGATION PROJECT.

**1778. Lala Gopal Das :** Will the Honourable the Revenue Member kindly state at what stage the Havelian Project of Irrigation works is at present and whether the Government have sent up the scheme for sanction to the Government of India and Secretary of State for India ; if not, when it is likely to be sent up ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** The Haveli Project is at present under examination and revision, for which purpose an officer on special duty has been attached to the Chief Engineer ; it is hoped that the project will be ready for submission to the Government of India next cold weather.

MASTER TARA SINGH, VICE-PRESIDENT, SHROMANI GURDWARA  
PARBHANDAK COMMITTEE.

**1779. Sardar Bishan Singh :** Will the Honourable Member for Finance be pleased to state—

- (a) the date on which Master Tara Singh, Vice-President, Shromani Gurdwara Parbhandak Committee was arrested ;
- (b) the offence for which he was arrested ?

**The Honourable Sir Henry Craik :** (a) 12th May 1930.

(b) He was arrested under section 90, Criminal Procedure Code, for having disobeyed a summons to appear in Court.

GIANI KARTAR SINGH'S CASE AND NOTICE SERVED ON MASTER TARA  
SINGH.

**1780. Sardar Bishan Singh :** Will the Honourable Member for Finance be pleased to state—

- (a) whether it is a fact that Giani Kartar Singh, accused, gave up Master Tara Singh's evidence when he was taken to Lyallpur after his arrest ;
- (b) if the reply to (a) be in the affirmative whether it is a fact that he was detained by the trying magistrate ;
- (c) whether such detention is legal, and, if so, will the Government kindly state the authority ;
- (d) whether it is a fact that Master Tara Singh was served with a notice to show cause why he should not be prosecuted for disobeying the summons of the court ;
- (e) if the reply to (d) be in the affirmative, whether it is a fact that this notice was served after Master Tara Singh had been given up by Giani Kartar Singh, accused, as his defence witness ?

**The Honourable Sir Henry Craik :** It is regretted that the answer to this question is not ready. It will be communicated to the honourable member when ready.

**EXECUTIVE AND POLICE OFFICERS IN GURGAON DISTRICT AND PROCEEDINGS UNDER SECTION 107, CRIMINAL PROCEDURE CODE.**

**1781. Lala Joti Parshad :** Will the Honourable Finance Member please state the number and names of the executive and police officers in Gurgaon district headquarters in April 1930 when the proceedings against the Hindus and Muhammadans of Jharsa were taken under section 107, Criminal Procedure Code.

**The Honourable Sir Henry Craik :** There were 7 executive officers and 8 police officers stationed at the headquarters of the Gurgaon District about the middle of April 1930. It is not the practice of Government to give names.

**POLICE OFFICERS INVESTIGATING GURGAON DISTURBANCES.**

**1782. Lala Joti Parshad :** Will the Honourable Finance Member please state the exact number of Hindu, Mussalman, Christian and Sikh officers of police of the following ranks who have taken part or are now taking part in the investigations of the cases in connection with the Gurgaon disturbances of April-May 1930 :—

- (a) Deputy Superintendent of Police ;
- (b) Inspectors of Police ;
- (c) Sub-Inspectors of Police ;
- (d) Head Constables ?

**The Honourable Sir Henry Craik :** (a) One Muhammadan and one Sikh.

- (b) One Muhammadan.
- (c) Four Muhammadans and one Christian.
- (d) Three Muhammadans, one Hindu and one Sikh.

**DETENTION OF MASTER TARA SINGH.**

**1783. Sardar Bishan Singh :** Will the Honourable Member for Finance be pleased to state—

- (a) whether it is a fact that the magistrate trying the case against Master Tara Singh in Lyallpur had already drafted a complaint and taken it to the jail when Master Tara Singh's evidence was recorded and before he was asked to show cause why he should not be prosecuted for disobeying the summons of the court ?
- (b) whether it is a fact that Master Tara Singh's Counsel had shown to the magistrate the illegality of Master Tara Singh's detention ;

- (c) whether it is a fact that though Master Tara Singh was detained, yet his detention being considered illegal, another magistrate was sent for after 4 P. M. to take cognisance of the complaint in order to give colour of legality to such detention?

**The Honourable Sir Henry Craik :** I regret that the answer to this question is not ready. It will be communicated to the honourable member when ready.

CASUALTIES IN THE GURGAON DISTURBANCES.

**1784. Lala Joti Parshad :** Will the Honourable Finance Member please lay a statement on the table showing number of—

- (i) Non-officials Muhammadans ;
- (ii) Muhammadan Government servants ;
- (iii) Non-official Hindus and Hindu Government servants injured during the disturbances of 11th May 1930 at Gurgaon ? Nature of injuries may also kindly be stated.

**The Honourable Sir Henry Craik :** (i) Nil.

(ii) Six Muhammadan foot constables.

(iii) Eight Hindu non-officials. No Hindu Government servants.

The injuries were all simple.

ALLEGED WRONGFUL DETENTION OF MASTER TARA SINGH AND NOTICE CLAIMING DAMAGES.

**1785. Sardar Bishan Singh :** Will the Honourable Member for Finance be pleased to state—

- (a) whether it is a fact that Master Tara Singh, Vice-President Shromani Gurdwara Parbandhak Committee has served the Secretary of State for India in Council with a notice claiming Rs. 15,000 damages for wrongful detention by order of a magistrate in Lyallpur ;
- (b) has the Government given any reply to that notice, if not why not ?

**The Honourable Sir Henry Craik :** (a) Yes.

(b) No : because no reply was considered necessary.

SIKH REPRESENTATION IN THE POLICE CADRE.

**1786. Sardar Bishan Singh :** Will the Honourable Member for Finance be pleased to state how many appointments of the total of about eighty appointments of the provincial (Punjab) police cadre are held by the Sikhs and by the rule of recognised percentage by how many appointments are Sikhs still short ?

**The Honourable Sir Henry Craik :** The Honourable Member's attention is drawn to the reply given to question No. 2975\* (starred).<sup>1</sup>

**JAT ZAMINDAR SIKHS IN POLICE SERVICE.**

**1787. Sardar Bishan Singh :** Will the Honourable Member for Finance be pleased to state whether the attention of the Government has been drawn to the fact that very few appointments in the higher police service are held by Jat zamindar Sikhs ?

**The Honourable Sir Henry Craik :** The Honourable Member's attention is drawn to the reply given to question No. 2975 (starred).<sup>1</sup>

**APPOINTMENT OF A QUALIFIED JAT SIKH IN POLICE SERVICE.**

**1788. Sardar Bishan Singh :** Will the Honourable Member for Finance be pleased to state—

(a) whether it is a fact that of the Jat zamindars of the Punjab, both Sikh and Muslim, there is a Jat Sikh who has qualified for the Indian Police Service in the competitive examination of 1929 ;

(b) if so, whether the Government have considered the claims of such a person for an appointment in the Provincial Police Service ;

(c) if not, whether his claim will be considered at the next selection ?

**The Honourable Sir Henry Craik :** (a), (b) and (c). The attention of the honourable member is invited to the answer given to Council Question No. 2976 (starred).<sup>2</sup>

**GIFT OF LAND AS REWARD GRANT.**

**1789. Rao Bahadur Chaudhri Chhotu Ram :** Will the Honourable Member for Revenue kindly state—

(a) the total amount of land given away this year in reward grants ;

(b) the amount of land which fell to the share of each district ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** (a) 518 squares in the Pir Mahal Area in the Lower Chenab Canal Colony ; 86 rectangles in the Renala Lift Area, in the Lower Bari Doab Canal Colony.

(b) A statement showing the amount of land which fell to the share of each district in civil non-official reward grants is laid on the table.

**STATEMENT SHOWING THE NUMBER OF SQUARES AND RECTANGLES ALLOTTED TO EACH DISTRICT AS NON-OFFICIAL REWARD GRANTS.**

| District.            | Squares.  | Rectangles. | Division. |
|----------------------|-----------|-------------|-----------|
| Hissar .. .. .       | 25        | ..          | } Ambala. |
| Rohtak .. .. .       | 15        | ..          |           |
| Gurgaon .. .. .      | 19        | ..          |           |
| Karnal .. .. .       | 9         | ..          |           |
| Ambala .. .. .       | 11        | ..          |           |
| Simla .. .. .        | ..        | ..          |           |
| <b>Total</b> .. .. . | <b>79</b> | <b>..</b>   |           |

<sup>1</sup> Page 9 ante.

<sup>2</sup> Page 9 ante.

| District.               | Squares. | Rectangles. | Division.   |
|-------------------------|----------|-------------|-------------|
| Kangra .. .. .          | 12       | ..          | Jullundur.  |
| Hoshiarpur .. .. .      | 28       | 1           |             |
| Jullundur .. .. .       | 27       | ..          |             |
| Ludhiana .. .. .        | 22       | ..          |             |
| Ferozepore .. .. .      | 23       | ..          |             |
| Total .. .. .           | 112      | 1           |             |
| Lahore .. .. .          | 47       | ..          | Lahore.     |
| Amritsar .. .. .        | 42       | ..          |             |
| Gurdaspur .. .. .       | 18       | 3           |             |
| Sialkot .. .. .         | 23       | 10          |             |
| Gujranwala .. .. .      | 18       | ..          |             |
| Sheikhupura .. .. .     | 19       | 6           |             |
| Total .. .. .           | 162      | 19          |             |
| Gujrat .. .. .          | 16       | ..          | Rawalpindi. |
| Shahpur .. .. .         | 18       | ..          |             |
| Jhelum .. .. .          | 18       | ..          |             |
| Rawalpindi .. .. .      | 25       | ..          |             |
| Attock .. .. .          | 13       | ..          |             |
| Mianwali .. .. .        | 12       | ..          |             |
| Total .. .. .           | 102      | ..          |             |
| Montgomery .. .. .      | 14       | 2           | Multan.     |
| Lyallpur .. .. .        | 22       | ..          |             |
| Jhang .. .. .           | 5        | 1           |             |
| Multan .. .. .          | 4        | 5           |             |
| Muzaffargarh .. .. .    | 14       | 8           |             |
| Dera Ghazi Khan .. .. . | 4        | ..          |             |
| Total .. .. .           | 63       | 16          |             |
| GRAND TOTAL .. .. .     | 518      | 36          |             |



## ZILLADARS.

**1790. Rao Bahadur Chaudhri Chhotu Ram:** Will the Honourable Member for Revenue kindly lay on the table of the House a statement showing—

- (a) the name, tribe, educational qualifications and district of residence of each of the candidates recommended by various Superintending Engineers for appointment as zilladar by promotion last year;
- (b) the same particulars as in (a) with regard to candidates recommended for direct appointment as zilladars last year;
- (c) the names of those who were actually selected for the post of zilladar under either head;
- (d) which of the candidates recommended had family war services to their credit?

**The Honourable Captain Sardar Sikandar Hyat Khan:** Owing to the labour involved and references required the information cannot be compiled in time but will be supplied as soon as possible.

CLAIMS OF BHAJ HUKAM CHAND AGAINST KHAN BAHADUR SARDAR  
DIN MUHAMMAD KHAN OF CHOTI.

**1791. Malik Khan Muhammad Khan, Wagha:** Will the Honourable Revenue Member be pleased to state—

- (a) the date on which the estate of Khan Bahadur Sardar Din Muhammad Khan of Choti, District Dera Ghazi Khan, was placed under the Court of Wards;
- (b) the total amount of debt owed by the said Sardar at the time when his estate was placed under the Court of Wards;
- (c) the names of creditors, who gave notice to the Deputy Commissioner, Dera Ghazi Khan District, for the recovery of their debts, and whether an enquiry was held in regard to the validity of these notices of debts;
- (d) whether it is a fact that Bhai Hukam Chand of Dera Ghazi Khan also gave notice for the recovery of his debt; if so, what was the total amount due to him;
- (e) whether any vakil was consulted with regard to the notice given by Bhai Hukam Chand;
- (f) whether it is a fact that the vakil consulted in regard to the said notice opined that the creditor was not entitled to recover his debt through a civil court inasmuch as the pro-note was not valid and a certain portion of the debt was time-barred;
- (g) whether it is a fact that notwithstanding this opinion the whole of the debt due to Bhai Hukam Chand was recognised by the Court of Wards; if so, why;
- (h) whether it is a fact that Khan Bahadur Sardar Din Muhammad Khan has all along been protesting against the recognition of Hukam Chand's debt;

- (a) whether Government is prepared to make up the loss sustained by the said Sardar owing to the recognition of Bhai Hukam Chand's debt? If not, why?

**The Honourable Captain Sardar Sikandar Hyat Khan :** (a) June 29th, 1925.

(b) Rs. 1,18,718.

(c), (d), (e), (f), (g) and (h) The honourable member is referred to the provisions of sections 53 and 83 of the Court of Wards Act. Under section 53 investigation into debts by the Deputy Commissioner is expressly declared to be a "judicial proceeding," while section 83 bars any appeal against orders of the Deputy Commissioners in dealing with debts. Government therefore consider that no useful purpose will be served in collecting the information.

(i) Does not arise.

ARTICLE IN "WEEKLY TUFAN" OF LYALLPUR.

**1792. Lala Chetan Anand :** Will the Honourable Member for Finance be pleased to state—

- (a) whether the Government's attention has been drawn to an article headed "*Jaranwala men Hindu nazninon ka julus*" published in the "*Weekly Tufan*" of Lyallpur, dated the 31st May 1930;
- (b) whether the Hindus and Muhammadans condemned this article in a joint meeting at Lyallpur;
- (c) whether any representation was made to the Government by the Secretary, Traders Committee, Punjab (H. O.), Lyallpur, in connection with this article;
- (d) what action has been taken by the Government with regard to this article against the printer and publisher of the paper? If not, why not?

**The Honourable Sir Henry Craik :** (a) Yes.

(b) The Government have no information.

(c) Yes.

(d) No action was taken because it was not clear that the article fell within the description of section 4 of the Indian Press Ordinance, 1930.

COMPLAINT AGAINST SUB-INSPECTOR OF POLICE, MAILSI.

**1793. Lala Chetan Anand :** Will the Honourable Member for Finance be pleased to state—

- (a) whether in tahsil Mailsi of Multan district one Mst. Sita Bai was fired upon and report was made at the Mailsi-Thana about the occurrence;
- (b) whether the sub-inspector in charge of the thana made investigation and reported against the husband of the assailed as the culprit and took him into custody and forced him to confess his guilt;

[ Lala Chetan Anand. ]

- (c) whether the said sub-inspector wrongly recorded in the statement of the assailed that it was her husband who had fired upon her and not the accused Ata Muhammad Khan and thus tried to shield the actual culprit ;
- (d) whether a complaint was made against the sub-inspector and Superintendent, Police, Deputy Superintendent, Police and an Inspector of Police went to the spot to make personal enquiry and arrived at the truth and challaned Ata Muhammad Khan, a big zamindar of the place ;
- (e) whether it is a fact that the said accused was committed to sessions and then convicted by Sessions Judge of Multan, and the conviction was upheld by the High Court ;
- (f) what punishment has been given to the sub-inspector in question ;
- (g) whether the punishment is commensurate with the gravity of the wrong committed by the said sub-inspector ?

**The Honourable Sir Henry Craik :** The information is being collected and will be communicated to the honourable member when ready.

ALLEGED USE OF LATHIS BY POLICE ON THE PUBLIC OF MULTAN.

**1794. Lala Chetan Anand :** Will the Honourable Member for Finance be pleased to state—

- (a) whether it has come to the notice of the Government that the police used *lathis* freely on the public of Multan on the 24th May 1990, even the shopkeepers sitting in their shops peacefully and passers by were not spared ;
- (b) whether one of the injured who was an innocent passer-by succumbed to the injuries the same night ;
- (c) whether it is a fact that a child of 7 years also received injuries from the police *lathis* ;
- (d) what was the cause of using force by the police ;
- (e) whether it is a fact that the Hindu-Muslim Panchayat of Multan (a non-political body) sent a telegram to the Deputy Commissioner and Commissioner of Multan to have an enquiry made into this incident ;
- (f) has any action been taken on this incident by the Government ; if so, what ?

**The Honourable Sir Henry Craik :** (a) and (d) On the evening of the 24th May a procession carrying a Congress flag was taken out in the Haram Gate Bazar of Multan City in defiance of an order issued by the District Magistrate under section 144, Criminal Procedure Code. A small squad of police, under a Deputy Superintendent, proceeded to the spot. The processionists, and the considerable crowd which had gathered, adopted a defiant attitude and were finally dispersed by a *lathi* charge after warning

duly given. The force used was directed exclusively against the defiant crowd ;

(b) One man injured in the dispersal died in the Multan Civil Hospital during the following night. A *post-mortem* examination, and a magisterial enquiry under section 176, Criminal Procedure Code, revealed that the cause of death was a single blow on the head ;

(c) One small boy received slight injuries in the course of the dispersal. It cannot be said whether these were caused by a police *lathi* or were the result of jostling in the crowd. The nature of the injuries did not suggest that they were caused by a *lathi* blow ;

(e) Telegrams of the kind described were received by the Commissioner and the Deputy Commissioner from the so-called "Hindu-Muslim Pan-chayat" ;

(f) A magisterial enquiry was held, as explained in the reply to part (b) of the question.

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MEETING OF MAILSI MAIN LINE DIVISION CANAL ADVISORY COMMITTEE.

**1795. Lala Chetan Anand :** Will the Honourable Member for Revenue be pleased to state—

(a) whether it is a fact that under the rules ordinarily meetings of the Divisional Canal Advisory Committee should be held quarterly but at least two meetings in a year must be held one in February and the other in October ;

(b) whether it is a fact that the first meeting of the Mailsi Main Line Division Canal Advisory Committee on the Sutlej Valley Project was held on 18th May 1929, and the second on 14th April 1930 ;

(c) If so, will the Honourable Member give any reasons for non-observance of the rules by the Divisional officers ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** (a) Yes.

(b) Yes.

(c) The Advisory Committee of the Mailsi Division was constituted under the new rules in March 1929 thus no meeting was possible in February 1929. At the meeting held on 18th May 1929, no demand was received from the non-official members for holding quarterly meetings and hence no necessity was felt for doing so. Another meeting in October 1929 or afterwards during the year 1929 was not possible due to the transfer of Executive Engineers.

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CONVICTIONS UNDER CRIMINAL PROCEDURE CODE AND THE ORDINANCES,  
MULTAN DIVISION.

**1796. Lala Chetan Anand :** Will the Honourable Member for Finance be pleased to state—

(a) the number of persons sentenced in Multan division under section 124-A, 144/188, I. P. C., and section 108 Criminal Procedure Code, and under different Ordinances from 1st January 1930 to the end of June 1930 ;

[Lala Chetan Anand.]

- (b) how many out of these persons have been placed in "A" class and how many in "B" class ;
- (c) whether the Government has fixed any criteria for these grades ;
- (d) whether it is not a fact that a lawyer of Multan who is an ex-Member of the Legislative Council also and another lawyer of that place who is also a Municipal Commissioner of Multan have been given "B" class ;
- (e) whether it is a fact that persons convicted for failing to give security under section 108, Criminal Procedure Code, are handcuffed and fettered while being transferred from one jail to another ?

**The Honourable Sir Henry Craik :** The information asked for by the honourable member is being collected and will be supplied to him as soon as it is ready.

SUPERINTENDENT, DEPUTY COMMISSIONER'S OFFICE, MIANWALI.

**1797. Khan Bahadur Khan Muhammad Saifullah Khan :** (a)

Will the Honourable the Revenue Member be pleased to state whether Government is aware that the people of Mianwali including notables of the district made several complaints orally and in writing against the present Superintendent of the Deputy Commissioner's Office, Mianwali, to the Commissioner, Rawalpindi Division, when that Officer visited Mianwali in February, 1930 ;

- (b) If so, will he be pleased to state what action has been taken or is proposed to be taken to remove the grievances of the people ;
- (c) whether Government will be pleased to consider the advisability of transferring that official from Mianwali where he has already stayed for more than five years ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** Information is not readily available. Enquiries are being made and a complete answer will be sent to the honourable member when ready.

RABI CROPS—SANGHAR TAHSIL—LOSS BY HAILSTORM, ETC.

**1798. Shaikh Faiz Muhammad :** Will the Honourable the Revenue Member kindly state the extent of loss sustained by the last rabi (1930) crop on account of hailstorms, locusts, etc., in the Sanghar Tahsil of Dera Ghazi Khan district ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** It is regretted that the reply to this question is not yet ready ; it will be communicated to the honourable member when ready.

## PROBLEM OF HILL TORRENTS—REPORT.

**1799. Shaikh Faiz Muhammad :** Will the Honourable Member for Revenue kindly state—

- (a) if the special Engineers appointed to tackle the hill torrents problem have made any report on the subject ;
- (b) whether the Government is prepared to lay such report, if any, on the table ;
- (c) what steps Government proposes to take on the report, if any ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** (a) No, not yet.

(b) and (c) Do not arise.

SQUARES OF LAND, ALLOTMENT TO RESIDENTS OF DERA GHAZI KHAN DISTRICT.

**1800. Shaikh Faiz Muhammad :** Will the Honourable Revenue Member kindly state—

- (a) the total number of squares in various colonies allotted to the residents of Dera Ghazi Khan district ;
- (b) the number of squares given to tumandars and honorary magistrates of Dera Ghazi Khan district ;
- (c) the number of squares given to Beloches residing in tuman limits ;
- (d) the number of squares given to Beloches residing outside tuman limits ;
- (e) the number of squares given to non-Beloch zamindars living outside tuman limits ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** (a) Two hundred and forty-one squares or rectangles.

- (b) Two hundred and twelve squares or rectangles.
- (c) Two hundred and twelve squares or rectangles.
- (d) Seven squares or rectangles.
- (e) Twenty-two squares or rectangles.

LANDS, DERA GHAZI KHAN DISTRICT, DAMAGE BY RIVER ACTION AND HILL TORRENTS.

**1801. Shaikh Faiz Muhammad :** Will the Honourable Revenue Member kindly state—

- (a) the extent of area rendered uncultivable by river action or hill torrents in Dera Ghazi Khan district ;
- (b) how much of this area is included in the tuman limits ;
- (c) whether those whose lands have been rendered uncultivable received any land in the new canal colonies ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** The information required by the honourable member has necessitated enquiries from the district authorities. A reply will be communicated to the honourable member when it is ready.

## GRANTEES OF LAND, DERA GHAZI KHAN.

**1802. Shaikh Faiz Muhammad :** Will the Honourable Revenue Member kindly state what considerations Government had in view in selecting grantees of land in the new colonies so far as residents of Dera Ghazi Khan are concerned ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** The honourable member is referred to the answer given to Council question No. 1716<sup>1</sup> (unstarred) which applies also to the grantees of Dera Ghazi Khan. All the grantees from this district were either landed gentry or civil non-official reward grantees.

## INDEBTEDNESS OF ZAMINDARS, DERA GHAZI KHAN DISTRICT.

**1803. Shaikh Faiz Muhammad :** Will the Honourable Minister for Agriculture kindly state—

(a) whether any attempt has so far been made to ascertain the indebtedness of the zamindars of Dera Ghazi Khan district ;

(b) if so, what is the result ?

**The Honourable Sardar Sir Jogendra Singh :** (a) No special enquiry has been made.

(b) Does not arise.

GOVERNMENT'S DEMANDS FOR SUPPLEMENTARY AND  
TOKEN GRANTS, 1930-31.

**The Honourable Sir Henry Craik** (Finance Member) : Sir, the various supplementary demands placed on the agenda are put forward on the recommendation of His Excellency the Governor.

## IRRIGATION GRANT.

**The Honourable Captain Sardar Sikandar Hyat Khan** (Revenue Member) : Sir, I beg to move—

“That a supplementary sum not exceeding Rs. 9,52,000 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1931, in respect of Irrigation.”

The motion was carried.

## POLICE GRANT.

**The Honourable Sir Henry Craik** (Finance Member) : Sir, I beg to move—

“That a supplementary sum not exceeding Rs. 1,00,000, be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1931 in respect of Police.”

**Mr. President :** Demand moved is—

“That a supplementary sum not exceeding Rs. 1,00,000, be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1931 in respect of Police.”

**Rai Bahadur Lala Mohan Lal** [North East Towns (Non-Muhammadan), Urban]: Sir, I beg to move—

“That the total grant be reduced by Re 1.”

Sir, when it was announced last year that the Congress was going to hold a session at Lahore the Government thought that additional police would be required for that occasion. The Government demand for the expenses of this additional police came first before the Finance Sub-Committee and then before this House and was approved. We were assured at that time that the police force then recruited would serve up to the Congress session, and that in January next (this year) the force was to be disbanded. When in December last the Congress passed their resolution of independence, the Government thought that this additional force should be retained in the interest of public peace. They thought that there might be a conflict between the people and the Government if the resolution of independence was given effect to. When this grant for additional police was being discussed, I drew the attention of the Government to the fact that there was likely to be a serious conflict between those who had made up their mind to defy some of the laws and who honestly believed that it was in the interest of India and the Government. Sir, I am one of those who do not share their views, but there is a large section of the population in India who do believe in it.

It was in April last that Mahatma Gandhi launched his present civil disobedience movement. With this intention when the Mahatma left his Ashram and marched to break salt law by manufacturing salt, the Government did not interfere for some time, but arrested him when the Government saw the danger ahead. After the arrest of the Mahatma, a large section of the people had been carrying on the movement and they are always prepared to suffer for it. There is a section of the public who according to their own views believe in this movement. Sir, so far as the reports have appeared in the Press, the struggle by this section of the public is being carried on in a non-violent way and has been simply splendid as they are working under great restraint.

In the Punjab, the public and the police have come into conflict in several places. I would like to draw the attention of the Government to 3 or 4 incidents that have come to my knowledge. It was in Jullundur that there was a conflict between the public and the police on the 5th of May. But before that, it is alleged that at Nakodar and Nawanshahar police did certain acts by which they intended to create trouble. At Nawanshahar one untouchable Shudra Nand was taken into a lorry which was pushed into a place where the public was holding a meeting. It is alleged that this was done by the police to excite the public and create disturbance. At Nakodar it is alleged that lambardars and zaildars were used as instruments for creating disturbances in the meeting. On the day when Pandit Jawahar Lal Nehru was arrested the citizens of Jullundur held a procession and it is alleged that the police used *lathis* near the Cantonment tonga stand. All these incidents happened in April. I am unable to give the exact dates. On the Peshawar day there was a procession and it is alleged that with a view to excite the public, Sardar Hira Singh, the Secretary of the District Congress Committee was arrested. But the people



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in spite of that arrest remained calm and quiet. On another occasion, one Chiranji Lal was arrested in the procession and taken in a car. The allegation of the public is that this was also done with a view to excite the public, so that there may be a conflict between the public and the police. It was on the 25th of April that the Congress Committee announced at Jullundur that the salt law would be broken in various places. It is alleged that the same untouchable who was used by the police at Nawanshahar was induced to bring in about 250 untouchables in order to create disturbance in the meetings held in connection with the breaking of the salt law. On another occasion when Sayad Atta Ullah Shah Bukhari was delivering a lecture at Ghandi Mandap the police is alleged to have used force on the people assembled there.

It was early in May that the citizens of Jullundur appointed a Committee to enquire into the alleged excesses of the police on the 5th of May 1930. The Committee consisted of 8 members of this House and 8 local residents of Jullundur, namely, Revd. William Golak Nath, Shaikh Ghulam Dastgir, Pleader, and Maulvi Abdul Haq, Abbas. In the course of this enquiry very painful revelations were made. On my arrival at Jullundur I saw the Deputy Commissioner and the Commissioner and wrote to them also requesting them to associate with the Committee any of their officers in that enquiry so that the evidence produced before the Committee may be sifted and that the enquiry may not be said to be one-sided. But the local officers, for reasons best known to themselves, did not think it proper to associate with us, and did not take part in the proceedings. The evidence that was produced was to the effect that after the meeting on the 5th May was over and both the magistrates who were deputed by the Deputy Commissioner to be present on the spot had left the place and informed the Deputy Commissioner that everything went on peacefully, the police suddenly began to belabour the public. A *communiqué* was issued by the Commissioner in this connection which stated that people threw stones on the police and that was the reason why the police used force. Raizada Hans Raj who presided at the meeting thanked the police for their kindness and for being peaceful at the meeting on that occasion. (*Hear, hear*). He also ironically thanked them for occupying the place which the organisers of the meeting had reserved for ladies. Raizada Hans Raj said that the police were offered some other place but they would not listen and occupied the place reserved for the ladies. The police said that as they had been occupying that particular place before they would like to be there. On that occasion it is alleged that the police smoked cigarettes and used foul language. (*Shame*). I was submitting that after the meeting was over, it was brought to our notice that a piece of stone fell between Raizada Hans Raj and the Sub-Inspector of Police. The Sub-Inspector brought this fact to the notice of Raizada Hans Raj and the latter asked him not make much fuss about it as the stone hurt neither the Sub-Inspector nor himself. But this happened after the police had used *lathis* twice before. (*Interruption*). Well, the Chief Secretary says, 'no'. Yesterday, while a question was asked in connection with this enquiry Committee and replied, a supplementary question was put by Dr. Gokul Chand enquiring whether the Government was prepared to contradict our report or

to take steps to have it contradicted, the Chief Secretary replied 'no'. After that reply I still hear the Chief Secretary contradicting my statement. The evidence that was brought before us was of a very serious nature. Lala Ramji Dass, President of the Fenton Gunj Committee at Jullundur, and a gentleman who pays Rs. 1,500 income tax, gave evidence before us and said that he saw a police constable throwing the stone. There is a case pending now against Lala Ramji Dass and it is alleged that he is suffering for that statement of his. The curious part of this incident is that according to the official version the hands of 11 policeman were injured on that occasion. It is very strange that no member of the public who attended that meeting was hit by any of these stones and it was only the hands of these 10 or 11 policemen present that were hit. The people who threw stones must be experts to select these constables as their target. So far about Jullundur.

At Ludhiana there was a meeting held by what is called "Aman Pasand Jamait." As a large number of the public attended this meeting, this Sabha sent for the police. The police, it is said, indiscriminately used *lathis* on the people and dispersed the meeting. A resolution condemning the action of the police was passed by the Ludhiana Bar Association and it was forwarded to the Government. I do not know what action has been taken by the Government on this resolution, or whether it intends to take any action at all. Sir, I am prepared to admit that there are in the police force some good men deserving praise. (*Hear, hear*). But there are also people among the police who would intentionally create disturbances and then come to the officers for promotions for having managed the affairs successfully and they are praised for their so-called good deeds.

**Mr. S. L. Sale :** Sir, on a point of order. The many instances which the honourable member has referred to are under adjudication in courts. I therefore think it is not in order to refer in detail to the merits of those cases.

**Mr. President :** I would request the honourable member not to refer to any case which is *sub judice*.

**Rai Bahadur Lala Mohan Lal :** I have simply alluded to them without going into any details. I think it is my duty to bring to the notice of this House these cases.

In Simla, our own place, we have got a Deputy Commissioner who is a perfect gentleman, most sympathetic and considerate. I am bold enough to say that there are very few officers of the type of the Deputy Commissioner we have got here. I may even say that but for him there would have been more serious disturbances in Simla than those under reference at present. But there is one fact which I cannot conceal and that is that we have got a Superintendent of Police who is unsympathetic and is of excitable temper. On the day when the volunteers in Simla wanted to pass on the Mall with their Independence Flag there would have been no disturbance in Simla if the police had tactfully handled the situation and not interfered with the passing of the volunteers. If the volunteers had been allowed to pass and not taken to the reporting room and kept for three hours, there would have been no trouble. It was at 9 o'clock that Messrs. Worsely and Heron came to the reporting room. A huge crowd

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had collected at the reporting station as the volunteers were kept there and negotiations were being carried on. After the Deputy Commissioner and the Superintendent of Police came, the crowd was dispersed by the police. The result was that a large number of people were injured and that there was excitement in the whole of Simla. As a resident of Simla I want to invite the attention of the Government to the highhandedness of the police in dispersing the crowd. I am of opinion that the present situation in Simla would not have been so serious as it is now if the police on that occasion had behaved in a proper way. I want to submit to the Government that when the police uses force on occasions such as dispersing of meetings or arresting volunteers when they are going for picketing of shops and the people are injured, the result is that sympathy of the public is excited towards those who are injured and there is a feeling of hatred created against the Government. I submit that everybody admits the right of Government to maintain law and order whether it be the present Government or any other Government that may be established in India but harsh treatments by the police is bound to alienate the sympathy of the public. Sir, there was to-day picketing of the shop of Messrs Bholu Ram and Sons and there the police is alleged to have used force. One of the volunteers became unconscious. It was to-day at 9-30. The condition of the volunteer is said to be serious.

**Lala Kesho Ram, Sekhri :** Is the volunteer dead ?

**Rai Bahadur Lala Mohan Lal :** Not yet. I went to the place where the volunteer was lying on a *charpai*. His condition, to me as a layman, appears to be serious. Some people and the chaprasis of Hamilton and Co., have seen the incident and say the police gave beating to the volunteer mercilessly. I spoke to the Deputy Commissioner on telephone about it and perhaps he is taking steps to have the matter examined. Sir, this incident has created a feeling against the police and the Government and sympathy with those who are suffering. Let me warn the Government that these acts as stated before are creating a strong feeling against the Government. Sir, it is the right of the Government to arrest any volunteer or any one else who breaks the law and deal with him according to it. So far as the volunteers are concerned if one is arrested another is prepared to take his place. The number of those who want to suffer is swelling everyday. There is a great excitement in Simla over to-day's incident. Sir, it is alleged that the name of one sergeant of police who has been using force is Webber. His actions were brought to the notice of the authorities but the authorities have not shown the courtesy of even transferring him. I was told yesterday that a boy was pushed from stairs from the Mall and he fell down rolling about 40 steps. It is said that there are two other volunteers also who were beaten to-day. This, Sir, is a sad affair. The police is using more force in Simla than they ordinarily should. There was a large crowd which I saw to-day assembled in sympathy with the injured volunteers. There was a great excitement. One fact that struck me very much was that in the room where the volunteer was lying a large number of ladies had collected in sympathy for him. Sir, there is one fact to be remembered by the Government that in the present struggle a large number of ladies is taking part and this should be a serious warning of the strength of the

movement. The ladies are taking part in the picketing of the liquor shops and in the propaganda work for khadar and swadeshi articles, and are also prepared to suffer for it. The Government would, I hope, give serious consideration to the present situation.

I, a Rai Bahadur, may be sitting in Firgrove and be comfortable, and may think that the movement is slackening, but I wish to inform the Government that this mass movement of civil disobedience is increasing every day and those who inform the Government that it is dying out are not giving the correct information.

**Mr. President :** Is the honourable member discussing excesses of the police ?

**Rai Bahadur Lala Mohan Lal :** Yes, Sir, it is the excesses of the police that are responsible for the present agitation. I have cited several instances. When I was coming from my house to-day I saw my honourable friend, Sardar Buta Singh, looking at the place where the volunteer was being taken. It was not only Sardar Buta Singh but there were others also who were having a look at the place. It was from Carlton Hotel on, that I saw several people looking towards the place. This harsh treatment by the police excites sympathy with the sufferers and hatred against the Government. I am one who, as stated above, would like to see law and order maintained but would at the same time like to draw the attention of the Government that the situation should be tactfully handled and minimum force used. If the present policy is followed by the Government there is bound to be serious conflict between the public and the police.

**Mr. S. L. Sale :** Are these volunteers out of sympathy paid ?

**Rai Bahadur Lala Mohan Lal :** There is not a single volunteer in Simla who is being paid.

**The Honourable Sir Henry Craik :** All are paid.

**Mr. R. Sanderson :** What is the average age of the crowd ?

**Rai Bahadur Lala Mohan Lal :** Age of the crowd ? There are boys, youngmen and sometimes old men.

**Shaikh Muhammad Sadiq :** Is it necessary to beat only boys ?

**Rai Bahadur Lala Mohan Lal :** Sir, it has been said that volunteers are paid. I say, no. The volunteers are being fed by the people but so far as I know they are not being paid. There is a free *langar*. So far as the picketing is concerned I request the Government that the volunteers may be allowed to pass on His Majesty's roads in Simla, or in any other place, and if they break any rule or law the Government has a right to catch hold of them and deal with them. Sir, do not allow the police to take law in their own hands by belabouring the volunteers and by using *lathis* in dispersing the crowds. Sir, with these few remarks I resume my seat.

**Mr. President :** Demand under consideration, amendment moved,  
" That the total grant be reduced by Re. 1. "

**Sardar Harbakhsh Singh** [Hoshiarpur and Kangra, (Sikh), Rural],  
(Urdu) : Sir, I may at the very outset say that the honourable members of the House should feel their responsibility as representatives of the people, and avoid the blame that was laid against them yesterday in connection with another pro-

12 noon.

[ S. Harbakhsh Singh. ]

posal about the reduction in *abiana* that it was merely an electioneering campaign. I may warn them that if they persisted in this attitude of theirs, in supporting such-like cuts, they will be charged with having conspired to criticise the Government with a view to win the sympathies of the voters, which include Congressmen as well, and to secure their votes in the coming elections to the Council. Lest I should be misunderstood I might make it clear that I shall state to the House what my truthful and impartial views are and, that I shall not make any unjust or sweeping remarks against one party or the other. I shall say during the course of my speech what I really feel to be true and correct. Sir, there is a Punjabi proverb which when translated means that a man of bad reputation "Badnam" is worse than a thief. And as the police in the Punjab has unfortunately come to acquire bad reputation in some respects in the past it is criticised mercilessly and not unoften unjustly. There may be some black sheep in the police force, but there are many amongst them who are free from the defects which are ascribed to them and they really deserve our praise for the way in which they conduct themselves in the discharge of their duties. If the police department has become notorious it is because that some of its members are undesirable ones, and are always apt to over do the instructions given to them by their superior officers, and thus fail to act within proper limits and bounds. Hence they cannot be said to act properly when doing their duties. But that does not mean that we should condemn the whole police force. Just during the present movement, if you compare the conditions of other provinces with those obtaining in this province, you will come to the conclusion that there was no occasion to make the complaints or urge for the condemnation which the honourable mover has sought to make. We read in the newspapers that in other provinces owing to the present civil disobedience movement worse things are happening. No day passes when we do not hear of the assaults made by the police and firing ordered on the unlawful assemblies. But in this province no such things have occurred and we know of no occasion when the police or the other party made any outburst of fury. I should think that both the parties are behaving quite well and if the congressmen are not yielding to eccentricities, the policemen are trying their best to control the situation admirably and wonderfully. There have been no cases of bloodshed, or even of grievous hurt in the province for which the officers of the police departments should be thanked and not censured, and the general public of this northern province too should be praised for their splendid behaviour, while the Government too should be highly congratulated for keeping their heads cool and not losing their balance of mind on any occasion. In fact, from a general point of view of the whole situation, it is more a matter of tripple congratulations than for a censure motion.

**Shaikh Muhammad Sadiq :** What happened in Delhi ?

**Sardar Harbakhsh Singh :** Delhi is not in this province and therefore I am not discussing what happened there, but surely I mean to refer to it later on. A few cases of excesses of police in Jullundur and other places which have been mentioned by my honourable friend do not warrant the wholesale condemnation of the whole police force, in the province. Even the expenditure that the Government have to bear on account of increasing

the police force in this province is not much as compared with the expenditure that the other provincial Governments are incurring on this account during the present disturbances. Bombay had to bear an additional expenditure of 15 lakhs of rupees in this connection as we find reported in papers, while Punjab Government does not propose to spend more than one lakh of rupees. Therefore, this one rupee cut which has been moved to procure a censure on the Government is very unfair and should not have been moved. Sir, my honourable friend has been able to quote a few examples of police excesses which are alleged to have occurred in Jullundur and Simla. But, these few cases even if true in no way justify the wholesale condemnation of the whole police force at this critical juncture.

**Mr. President :** May I request the honourable member not to repeat this argument ?

**Sardar Harbakhsh Singh :** I beg your pardon, Sir, I do not mean to repeat it again. But, Sir, we have to see under what provocative and most trying conditions the police men are working now-a-days. They have to face very serious situations and the gravity of the occasion requires that some concession be shown to them, if an untoward incident happens here or there owing to certain complications. Moreover, if any one individual indulges in any kind of excesses, he may surely and certainly be dealt with according to law and the rules of service. But for his misdeeds the blame should not be thrown on the department as a whole. I am here in Simla for the last so many days and have seen how police is behaving and dealing with the situation. I think their way of acquitting themselves is marvellous. A few days back a conference of the Governors was held here at Simla. That was the most trying time and a hard situation for the police. It had to be ever vigilant lest any volunteer cherishing anarchist ideas might come over the Mall and do some mischief. Supposing on that occasion something like this happened that a volunteer trying to push his way through a police cordon received a push back resulting in hurt through, say the rashness of some sergeant or Sub-Inspectors of Police, do you think this would have entitled you to condemn the police department as a whole ?

**Mr. President :** The honourable member is repeating his argument.

**Sardar Harbakhsh Singh :** Sir, I am repeating this argument because it is very important and because I wanted to bring it home to the honourable members that because of the alleged follies of a few members the whole department does not deserve censure. Only those police officers should be called upon to explain who had indulged in the alleged excesses if it be proved that they were really blame-worthy and misbehaved themselves.

Now, Sir, I would request the Government that they should not protect those officers who are really found guilty of the alleged excesses or are complained against. Such officers must meet with condign punishment so that they and others, who may be prone to indulge in such excesses, may not misuse their powers and may learn a good lesson, and so that the general public may feel satisfied, and it may not be like the incident of the firing in gurdwara Sisganj at Delhi that the foolish act of some of the servants of the Government is telling heavily against itself as it protects and shields them

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and insists upon justifying their acts and refuses to punish them as demanded by the whole Sikh community. In my district, that is Hoshiarpur, Mr. Jenkins is the Deputy Commissioner and Khan Qurban Ali is the Superintendent of police. Both of them are very considerate and capable officers. They have controlled the situation in that district in a manner which deserves our praise, although it is a district of the Babar Akalis, &c., and much trouble could have arisen there during the present agitation of civil disobedience started by the Congress. But both the officers work in a co-operating spirit and do not allow any excess but exercise personal supervision over all matters so that nobody dare misuse his authority or power. Picketing &c., is also going on but unless and until compulsion is used no arrests even are made and no beating of any kind has yet taken place. So there it is not the same as it is here in Simla. Here, as the honourable member has mentioned, the Deputy Commissioner and the Superintendent of Police are always at variance. The officers in the districts of the province ought to co-operate in quelling the movement and I am sure that if they do so, there will be no complaints of this nature.

Sir, I cannot, however conceal that even I have heard that in Jullundur the police treated the volunteers very harshly and cruelly sometime early last month. It was even alleged that they forcibly poured urine in their mouths and made them call out on pain of severe punishment of the kind '*Inqalab Murda Bad.*' Really this, if true, is too much. To-day's case as related by Rai Bahadur Mohan Lal is also very deplorable, but we should not take a one-sided view. We must first find out whether the volunteer who was beaten this morning had or had not given any provocation to the police? If he did give any provocation then this police excess ought to be treated mildly and if he did not give any provocation and the police gave him this severe beating merely out of malice, then the police is blameworthy and the officers concerned must be punished. There is great rowdyism prevailing during this movement. It must be within the recollection of the members that not very long ago just outside this Assembly Chamber where we are holding our session, a batch of lady volunteers marched on to the gate of this Chamber and when His Excellency the Viceroy arrived at the gate, these ladies shouted 'Long live the revolution.' Now this was apparently what should not have been done. This must have provoked the officers who were on duty there. But praise to them that everything went quiet. Had anything untowards happened on that occasion, Government might have suspected the officers on duty of abetment. I regret, Sir, the present movement is not being carried on by responsible people and in a becoming manner but by raw youths, who are very apt to forget the lesson of non-violence. Instead of men, who have seen the ways of the world, we see children and ladies made to form into processions and going through the busy streets of the cities using filthy language and all sorts of shouts. The police feel it very awkward to deal with these youngsters. The responsible men who ought to come in the forefront are taking shelter behind these juvenile processionists like Arjuna of Mahabharata who shot arrows from behind Sikhandi at Bhisham and earned his damnation for this cowardice. I wish all those like the honourable mover of this cut himself who profess any kind of sympathy with this nasty movement which is openly sub-



versive of Government were to come forward themselves and direct the agitation in a proper manner or to go on the Congress platform and have the courage of pointing out to them their faults and excesses so that the movement may get purged of absurdities. Otherwise, to check these youngsters, the 'police have to show much self-control and tolerance and there may be a breaking point. Did you not hear only the other day, they twice passed shouting here: *Is Assembly men kaun bolenge, ulu bolenge.*'

**Pandit Nanak Chand :** It is you who is now speaking.

**Sardar Harbakhsh Singh :** Yes, I am speaking, but I can say that not "ulus" but "aulias" will speak in this assembly chamber who hereby make bold to prophesy that no Swaraj will ever be gained by such-like street rowdyism, and therefore let it be said once for all that saints will speak and owls will never howl in this Chamber. Well, Sir, in the end, I request that we should all very boldly, without showing any partiality, point out to both the parties their respective mistakes so that this movement may be purged of all absurdities and pass no one-sided censure motion. With these words I request the honourable mover not to insist on his motion but to withdraw it.

**Chaudhri Baldev Singh** [North-West Rohtak, (Non-Muhammadan), Rural] : Sir, as the question has been raised whether the volunteers receive any pay from the Congress, I am in a position to say from personal knowledge that no volunteer receives even a single pie. I was associated with the Congress movement for more than four years from 1920 to 1924.

**Sardar Bahadur Captain Dalpat Singh :** In Rohtak district they do get money from the Congress. They are paid volunteers.

**Chaudhri Baldev Singh :** There were 5,000 volunteers enrolled in my register and I challenge anybody to prove that anyone of them received any money. Of these five thousand volunteers enrolled in 1921, five hundred were ready to go to jail at a moment's notice. The list of these can be found in the Jat Anglo Sanskrit High School, Rohtak, even now. All the expenses of the school I had to bear single handed which amounted to no less than Rs. 15,000 a year. Can anybody imagine that I was paying 5,000 volunteers at the same time ?

**Sardar Bahadur Captain Dalpat Singh :** That is only a paper figure.

**Chaudhri Baldev Singh :** As to the present situation I may say that mostly the situation in my district has been aggravated by those persons who are considered the supporters of Government.

**Mr. President :** Order, order. It is only the police excesses which are under discussion and not the excesses of other people.

**Chaudhri Baldev Singh :** I am just coming to the police excesses.

**Mr. President :** The honourable member will please confine his argument only to the excesses of the police.

**Chaudhri Baldev Singh :** I will abide by your ruling, Sir. The police excesses in my district especially in the village of Madina were responsible for 55 men being taken hold of in a single day. These men were not volunteers. Of course Jats were among them. I do not see any reason why



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policemen should take any exception to anybody who wears khaddar or Gandhi cap. This has not been forbidden by Government in any way whatsoever. Then again, there is a village named Khrainti in Rohtak district where two or three persons were taken hold of by the police with the result that one jatha was sent from that village to express resentment against having been molested without any reason. This is not all. I am not in touch with the movement at present and I cannot say what might have happened in other places but this is common knowledge that in the case of Pandit Ram Phul Singh, the Secretary of the District Congress Committee, Rohtak, even the trying magistrate had to say that the police gave a concocted evidence against him. In the case of Lala Ramsaran Das in the appeal that was lodged in the High Court.....

**Mr. President :** When was it? In what month?

**Chaudhri Baldev Singh :** I think a month ago.

**Mr. President :** When did the original case start? Was it before or after March last.

**Dr. Gokul Chand, Narang :** He says the appeal was lodged about a month ago, the case must have been about the middle of June.

**Chaudhri Baldev Singh :** The High Court held that the sentence was too excessive and his speech was mostly harmless.

**The Honourable Sir Henry Craik :** On a point of order, Sir. What has that got to do with police?

**Chaudhri Baldev Singh :** Because the evidence was brought by the police.

**Mr. President :** The honourable member will please quote only those instances in which the police have exceeded proper limits in the exercise of their functions.

**Chaudhri Baldev Singh :** Well, Sir, if police concocts some evidence against some person, I think it is a kind of excess. They have not been performing their duties properly.

**The Honourable Sir Henry Craik :** On a point of order, Sir. In the case to which the honourable member is referring, the case of High Court accepting an appeal and reducing the sentence though the conviction was maintained, there was no allegation in that case, so far as I am aware, no evidence was concocted by the police nor the police was in any way to blame and the High Court considered the sentence excessive and the police did not come in that matter at all.

**Pandit Mehar Chand** [Jullundur-cum-Ludhiana, (Non-Muhammadan) Rural] (Urdu) : Sir, I wish to draw the attention of the House and the Government to some incidents that occurred in the Jullundur district. I may, however, make it clear at the very outset that my remarks should not be taken as a complaint against the police or any other department or person. If I draw the attention of the Government to these incidents it is simply for the good of the Government itself as well as the public at large.

In my opinion, Sir, the best way to investigate the excesses perpetrated by the police is that some responsible officers should go incognito to the

various scenes of action and thus acquire first hand information of the doings of the police. Even my honourable friend the Sardar Sahib who has paid such a glowing tribute to the police force has incidently admitted the existence of such police excesses as beating the volunteers mercilessly and then making water in their mouths. But that is not all. Even the women sitting in tongas had to face the wrath of the infuriated police people who hurled the dirtiest possible abuse upon them. (*Shame*). But the people were determined to remain peaceful in spite of all sorts of provocation and they bore all this with a patience worthy of all praise.

My honourable friend, Rai Bahadur Lala Mohan Lal, has told the House how a procession of chamars and untouchables, for whom we have every respect, was organised and how the police were marching along with them as interested spectators while they were plucking the caps of respectable gentlemen on the way. But the people remained absolutely peaceful. I mention all this so that the Government may know what the police force and the so-called well wishers of the Government are doing in the province.

Again, in Nakodar the police caught hold of a man connected with the mass movement and took him to a place where some drunken hirelings were standing with *lathis* and *gandas* in their hands. They used all sorts of threats and the poor man was very badly molested by the police. I beg to submit, Sir, that such occurrences have now become only too frequent and the difficulty with regard to them is that you cannot bring forward any evidence to prove them because nobody would like to incur the displeasure of the local police.

Now take another instance. Some young men formed themselves into a *jatha* to break the salt laws at Jullundur. But when they reached the place selected for the purpose some men (who, I may inform the House, were all of them Muhammadans) appeared on the scene and began to molest those young men. They would have certainly created a disturbance, but, fortunately, some Muhammadan gentlemen coming to know of this threw a hint, and succeeded in averting a situation which was sure to assume a very serious complication. People made some enquiries and the result of those enquiries was, to say the least, most disappointing and heart-rending. They found, Sir, that it was the custodians of law and order themselves who were attempting to create lawlessness and disorder. Once I myself approached a high official in our district and informed him that the police had taken some volunteers on the roof of the police station and there beaten them mercilessly. That official, though he did not admit that anything of that sort had really taken place, was pleased to assure me that he had issued instructions forbidding the repetition of such excesses. Now may I ask, Sir, whether it is at all possible to bring forward any evidence to prove such allegations? The Government officers alone can know the truth if they go to the scenes incognito.

I have often to visit the countryside and there I have heard the people of various villages complaining that the police people are in the habit of molesting and beating little boys on the slightest pretext. The children are feeling it so strongly that once a boy, a mere child of four years, on seeing a policeman at once shouted "*Inqalab zinda bad*." I hastened to take the boy in my lap and asked him to keep silent so that he may not take the next.

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step and call the policeman a "toady bachcha." But after a few minutes when I had released him he slipped away and running to a distance of some two hundred yards again shouted "Ingalab zinda bad" and "toady bachcha hai hai."

**Sardar Harbakhsh Singh :** Will my honourable friend, who is connected with an educational institution, please let us know whether that boy understood the meaning and significance of "Ingalab zinda bad" ?

**Pandit Mehar Chand :** No, Sir. And that is exactly the reason why I am so anxious to press the matter upon the attention of the Government. I request the Government to find out for themselves as to how and whence this poison has entered the minds of the children. Responsible officers of the Government should, as I have already suggested, visit various places and make enquiries without the help of the local officials both police and civil. Such a procedure is sure to prove extremely useful and beneficial to the Government and will go a long way to lengthen the life of the Government in this country. They must ascertain the real facts for themselves and should not be misled by those who are only too ready to say ditto to anything that may fall from the lips of Government officials.

Again, my honourable friend, the Sardar Sahib, was pleased to remark that we send little children to the front and ourselves keep in the rear pulling the wires therefrom. I beg to submit, Sir, that nothing is farther from truth than these allegations of my honourable friends. Every one, including the Sardar Sahib, knows that it is not easy to control these young men now-a-days. Even if any one tries to argue with them they at once dub him a "toady bachcha" and make the atmosphere too hot for him. Therefore, it is the duty of the Government to act wisely and save a situation which has already assumed a very serious shape.

Now I draw your attention to another incident. A police officer went to conduct a search in a certain room of a hostel. He was accompanied by three or four policemen and there was none else connected with the hostel to watch the proceedings. The officer and his companions were free to do whatever they pleased and brought out an iron instrument to prove the criminal suit on the basis of that search. Now may I ask, Sir, whether such incidents would endear the Government to the people of this country? Surely not. On the contrary they are sure to embitter public feelings and jeopardise the very existence of the Government. Therefore, with folded hands I implore the Government to keep its police force under strict control and thus ensure a long life to the British Government in this country. With these remarks, Sir, I resume my seat.

**Mr. C. M. G. Ogilvie (Home Secretary) :** Sir, I have been much interested to listen to the accounts by certain members of this honourable House of police excesses in dealing with the more riotous phase of the present civil disobedience movement. It seems to me that they can be divided into two, cases in which volunteers have on occasions been beaten or rather have received a blow or two and other cases in which it appears the imagination has been drawn upon and in which nameless tortures are said to have been inflicted. The latter class of event I do not believe has ever occurred. But such stories are doubtless set in circulation by the malicious in order to win

over the sentiment of kindly and well disposed persons to their side. The police, I may say, have to serve three masters. In the first place, they are under the constant and most vigilant eye of their own officers who exact the strictest discipline. No service, I think, in India can compare with them in that respect. In the second place, the courts are their masters and their doings fall under the eye of the magistrate and the judge. In the third place, the public are invariably on the watch.

I was much interested to hear the honourable Rai Bahadur Lala Mohan Lal's expressions of sympathy with one or two or three or four volunteers who may, I suppose, after having cried "*toady bachcha*" for some hours, have received a push or a blow. He said that the sympathies of the general public were excited by any form of beating, and that the mere fact that they were beaten, however, offensive or provocative they might have been, was sufficient to win over the sympathies of the general public. That I do not believe for a moment. But be that as it may, I notice that he has made no mention whatever of the policemen who are dealing not only with Congress volunteers but with a more dangerous type of persons connected with the same organisation and who have lost their lives nobly doing their duty. Men have been blown to pieces with bombs, men have had their eardrums shattered by explosions and are now lying in hospitals with shell shock, men have been pelted with bricks, subjected to every form of abuse, had uniforms stripped from them by infuriated mobs; all this they have stood in a way which should make every member of this House, who is a true Punjabi, proud of them. Robert Louis Stevenson once said that a higher standard of duty was required every minute of every day from a police constable at Peckham Rye than any victorious general would think of exacting from his troops at the crisis of a campaign. To this extraordinarily high standard, the Punjab police have easily attained, and I think that all of us are proud of the Punjab police which is drawn from every caste and creed. Punjabis of every caste, perhaps not of every caste but certainly of every creed and from town and country alike are united in the force, and they have all shown what Punjabis can do when given the magnificent leadership and the inspired example which has always been the fortune of the Punjab police.

**Mr. Din Muhammad** [East and West Central Towns (Muhammadan) Urban]: Sir, I feel, that I would be failing in my duty, not only to the constituency that I represent, but to the King-Emperor also, to whom I owe allegiance as a member of this House, if I did not join hands with the honourable mover of this motion in drawing attention of this House to the excesses perpetrated by the so-called guardians of peace in the name of law and order. Every member of the House knows, that I do not profess the Congress creed and that I have always condemned excesses on the part of the Congress volunteers as well as on the part of other national bodies. But I owe a duty to God as well as to my conscience to condemn excesses, if I do not approve of them, when they are committed by the police force itself which protects us from the excesses of others. Every word that Mr. Ogilvie has said about the Punjab police force may be perfectly justified; but that does not mean, that a saint is at perfect liberty to behave like Satan whenever he chooses so to do. If he behaves like a saint, we worship him, if he behaves like Satan we condemn him. Every day you find these tales of woe published in responsible papers. From Rawalpindi down to Simla, you hear of the

[Mr. Din Muhammad.]

police excesses, of innocent persons being beaten, of infants being maltreated, of respectable ladies being disgraced. In my humble submission, if anybody is to blame for spreading disaffection against Government, for bringing the Government into hatred and contempt in these days it is our police force, and it is mainly on this account that the number of those who are growing discontented with the Government is every day increasing (*Hear, hear*). You break heads no doubt; but you break hearts as well, and it is for us to warn you against such misdeeds of the subordinate police officials. The attitude that the bureaucracy always adopts in defending the actions of their subordinates, whether good or bad, is not a justifiable one. They owe as much loyalty to the Crown as we do and they are as much subject to our criticisms as we are to theirs. They are our servants. They are deputed by His Imperial Majesty the King-Emperor to look after our comforts, to look after our peace, to look after our security, and when we bring to their notice, that some of their subordinate officials are misbehaving and thus spreading discontent among the people and jeopardising the peace of the country, the attitude that they should adopt, should be the attitude of reasonable men, and loyal servants of the Crown. They should patiently listen to these matters and tell us plainly that they will hold enquiries to satisfy the public and to satisfy themselves that their subordinate officials, while they maintain law and order, do not exceed their legitimate bounds (*Hear, hear*). A police officer is as much bound by law as I am or as anybody else is. As the guardian of peace and order, he should rather be more cautious, more scrupulous, more observant in the discharge of his duties. He is a responsible official, and if he himself sets a bad example, surely that would encourage others to do the same.

چو کفر از کعبه بر خیزد کجا ماند مسلمانی

The other day, Sir, a respectable member of the Rawalpindi Bar Association sent a representation to the High Court Bar Association at Lahore supported by an affidavit, that while he was on his way from the Bar Room to the court to appear in a certain case, a police officer, simply on account of an old grudge that he bore against him, beat him on his cheek with his cudgel and caused other simple hurts. Several other members of the Bar corroborated him. They also sent their affidavits and the High Court Bar Association held an enquiry into the matter and was satisfied that the complaint was justified. Do you mean to say that Mr. Ogilvie as Home Secretary or Sir Henry Craik as Finance Member is bound to support that policeman even in this act?

**The Honourable Sir Henry Craik :** No.

**Mr. Din Muhammad:** Further, on that very day some young boys were sent to the lock-up by the authorities and an Anglo-Indian Deputy Superintendent of Police went there and beat them and maltreated them, to such an extent, that the members of the Bar Association were compelled to approach Mr. Reid, Sessions Judge, and bring him to the scene to show him what was happening under the very nose of the Sessions Judge and under the very nose of the Deputy Commissioner. The Sessions Judge came out and he saw these things with his own eyes and the very next day he released all the boys on bail. These are hard facts which cannot be denied by any

member of Government. If these facts are true, as they no doubt are, surely the members of Government cannot plead with good grace that because these policemen are working at the risk of their lives, they should be allowed to resort to such methods of violence whenever they choose.

Take the instance of Gujrat. I am ashamed to say that some time ago the Deputy Commissioner of Gujrat convened a meeting in which he asked all the loyal officials as well as other loyal gentlemen to have recourse to shoe beating whenever they went to disperse a national meeting or a public *Jhalsa* (cries of 'shame') because as he argued, the Indians felt the insult of shoe-beating the most. Is this the attitude that a Government official should adopt? If we want to complain against such officers, to whom should we appeal, if not to you, the members of Government, because you are their superiors and you alone can check their actions?

**Mr. D. J. Boyd :** I wish to say that no such complaint has reached Government.

**Mr. Din Muhammad :** They issue such orders verbally and not in writing, because they know that these are illegal orders and that no higher Government official would support them. This is the reason that you labour under a misapprehension. True information is always withheld from and wrong information always sent to you, and that is jeopardising your administration. We, as loyalists expose these officials, because we feel that the Government of His Majesty the King-Emperor, to whom we owe our allegiance, is being jeopardised every day and this is why we urge that you should not keep quiet over such matters.

Take the case of Gujranwala. The other day I went there and I was told by reliable persons, who were eye-witnesses of the occurrence that when a peaceful meeting was going on, some police constables went there and they charged the audience with brass-shod *lathis* which come within the definition of a deadly weapon. I have seen such *lathis* in the hands of the police constables here. Every day I have been seeing them on my way to the Chamber, but since yesterday I have noticed that those *lathis* have been replaced by small batons, as they knew that this motion was coming in the Council (laughter).

**The Honourable Sir Henry Craik :** Will the honourable member please give me the date of the incident at Gujranwala?

**Mr. Din Muhammad :** About a fortnight. In that Gujranwala case, the Bar Association has deputed two M. L. Cs., Sardar Narain Singh and Mr. Labh Singh together with a Muhammadan gentleman to institute an enquiry in the same manner in which the Jullundur enquiry was conducted and in a few day's time you might be informed of the result of that enquiry.

**The Honourable Sir Henry Craik :** As far as I know that case is under trial in the court.

**Mr. Din Muhammad :** Is that police sub-inspector under trial?

**The Honourable Sir Henry Craik :** The 18 people who were arrested are under trial.

**Mr. Din Muhammad :** It is only yesterday that Miss Zutshi was responsible for an article in the *Tribune* giving her own experience in Simla, the seat of the Government of India and the place where for the last few

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days the Governors of all the provinces have been holding a conference. She is responsible for the information, that volunteers in Simla were thrown down from a flight of 140 to 150 steps, unmindful of the consequences which might result. Our complaint is that the police officials do not treat these national workers as men but as animals, not as human beings but as beasts of burden.

I am telling all this, because I would not like that this administration should go so soon. I am anxious, that their stay might be continued as I realise, that India cannot afford to lose them for the present. I do not want that the period of their rule should be curtailed by deeds such as these. Please do not tolerate them. Everywhere, Sir, in Lahore, Simla, Gujranwala, Gujrat, Rawalpindi, Jullundur and other places we hear of such police excesses daily, but the Government is keeping quiet and is not discharging its functions properly. They owe allegiance to the King-Emperor. When I joined this House they had to take the same oath as I did. What have they done so far to discharge their functions honestly, as they were called upon to do, when they took that oath? Absolutely nothing. They think that they can flout public opinion and have no respect or regard for it. How sad and disappointing!

In connection with this matter, I might refer to an incident that took place this very morning when I was coming with my friend from Mianwali (Khan Babadur Lieutenant Saifullah Khan). A European official who was wearing a monocle and putting on an official air enquired from Khan Babadur Saifullah Khan, whether he was going to— *بی بی ہاؤس*

**Mr. D. J. Boyd :** Was he a police official?

**Mr. Din Muhammad :** He appeared to be so, because I think no other officer would demean himself like that. He was wearing a monocle and had an official air about him.

**The Honourable Sir Henry Craik :** Sir, I feel the honourable member has made a very serious reflection on gentlemen who wear monocles and an official air. As the only member of that class in this Council, I wish to clear myself. I had not the pleasure of meeting the gentlemen referred to by the honourable member and it was not I who used the expression complained of.

**Rana Firoz-ud-Din Khan :** The honourable member was only referring to the behaviour of the official and not to the wearing of monocles.

**Mr. Din Muhammad :** Is this the value you place on our counsels here? I want to make my position clear Sir, before I finish. When I condemn the excesses of the police, it does not follow that I approve of the excesses on the other side. (*Hear, hear*). In my religion, it is laid down, that there could be no compulsion in religious beliefs and I hold the view accordingly that even in the matter of political belief, no compulsion should be resorted to. While condemning the action of the police, therefore, I cannot defend these picketers either. I would never defend those persons who hamper trade, who coerce purchasers and who interfere with the peaceful avocations of those with whom they come in contact. My only complaint is that when action is taken against them they are not treated in the way they should be

treated. Treat them as ordinary criminals and finish with them. Supposing you find a murder committed, supposing you find a burglary, or a dacoity committed, how will you treat the offenders—as mere criminals, to be dealt with according to law. I want these political offenders also to be treated in the same way in accordance with law. Take them to law courts and convict them by all means but do not maltreat them. This would soon bring peace nearer than otherwise. With these few remarks, I lend my humble support to the honourable mover of this cut.

**Sardar Mohindar Singh** : I move, that the question be now put.

The motion was lost.

The Council then adjourned for lunch.

The Council re-assembled at 2 p.m. Deputy President in the chair.

**Dr. (Mrs.) M. C. Shave** (Non-official, nominated) : Sir, while listening to the speeches this morning it struck me that there was a great deal of emphasis upon the so-called police excesses when dealing with crowds. I wanted to ask the members of this House if they have noticed when reading English and American newspapers, that a certain amount of force is used by the police there when dealing with crowds. They will find that when dealing with crowds who are bent upon their business, a great deal more force is necessary than has been used in India. (*Hear, hear*). Accounts of injuries received by people in Europe and America have appeared again and again in the newspapers and photographs illustrate the very rough methods employed. It is unavoidable when a crowd is determined upon its object and that object is against law and order. It is impossible to deal with such a crowd without exercising some force (*Hear, hear*).

In this connection I am reminded of a story which is absolutely true and which illustrates the point of view of some Indians. I lived in the grounds of the Mayo Hospital for a great many years. My husband's quarters were close to the main gate of the Hospital. Here there is a *chowkidar* stationed. His duty is to see that the road through the hospital grounds is not used as a thoroughfare and also not to admit visitors except during appointed hours. That *chowkidar* was in constant trouble. He was beaten almost every week. There is no exaggeration about this. His head was cut open and his teeth were knocked out on one occasion. (*An Honourable Member*: Who were the persons who did this?) They were people who tried to use the road as a thoroughfare and people who wanted to visit patients at other than the hours fixed by hospital rules. They were people in most instances of the better class, the student class, the class of people who work in offices, educated men. This is in sharp contrast to the sentiments expressed by members of this House when speaking of police methods of dealing with crowds whose object is to defy the law. Small sympathy was shown by on-lookers with this poor *chowkidar* who was only doing his duty. (*Cheers*).

**Dr. Gokul Chand, Narang** (North-West Towns, Non-Muhammadan, Urban) : Sir, I think Rai Bahadur Lala Mohan Lal has done a great service both to the people and the Government by bringing forward this motion. Any one who has been studying the progress of the movement must have,



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noticed one very great distinguishing feature in the policy of those who are in charge of the movement and the policy of those who are in charge of suppressing the movement. Those who are carrying on the movement, whether we agree with them or not, whether we may be prepared to condemn them or to eulogise them, one thing is absolutely clear and that is, that the lesson of non-violence has gone home to the people of this country. (*An Honourable Member* : Question). My statement has been questioned, and I take it to mean that there have been some instances here and there where this lesson is forgotten. I am not prepared to deny that there have been such instances. But when we consider a great movement like the one which is now sweeping all over the country we have to look at it as a whole and not to attach undue importance to sporadic outbursts of violence here and there. It cannot be denied, but such instances are not very many and in fact are very rare. (*An Honourable Member* : Question). It is a great credit to the people who organise this movement and to the great apostle, Mahatma Gandhi, who is the founder of this movement for he has inaugurated a movement which up to this time the world has really never witnessed. That will be, among many others, one claim to his greatness and be remembered by posterity. He has started an experiment which has never yet been tried so far as I am aware in any other part of the world. (*Interruption*). If the honourable member will please wait, he will see my point. Mahatma Gandhi is trying to impress upon the authorities of this country, and not only the authorities of this country, but upon the authorities in other countries and the people of this country and of other countries, that there can be a change in the form of Government, that there can, in fact, be a revolution without shedding one drop of blood. It is therefore the duty of every one, both among the people and the Government that not a drop of blood should be allowed to be shed either by the people or by the Government.

I sent up a resolution myself on this subject. I was so much impressed by the excesses of the police which I had been reading in the papers from day to day. (*An Honourable Member* : Have you not seen ?) No, I could not have seen unless I was perhaps one of the volunteers or one of the victims or I had time to go and see when the volunteers assembled at certain places and when the police came and began to beat them.

**Chaudhri Zafrulla Khan** : Has any honourable member of Government seen any of these instances, any of these alleged excesses of the police and is prepared to assert that the police were either justified or did not act in the manner alleged ? Because the interruption made by the honourable member gave an impression that nothing should be alluded to which was not seen by the member with his own eyes.

**Dr. Gokul Chand, Narang** : Now, not only I but people who have been taking a dispassionate view of things like myself have been impressed with the truth of the allegations which have been made against the police from day to day. It was in that conviction that I sent up this resolution, namely—

“That this Council recommends to the Government that instructions should be issued to the police and other executive authorities of the province that they should totally abstain from beating unarmed non-violent members of the public attending political meetings or engaged in other peaceful political activities.”

Unfortunately it could not be balloted and therefore it could not be discussed. I am therefore very glad that this cut was sent in by Rai Bahadur Lala Mohan Lal to give the House an opportunity to discuss this subject. One thing I want to make clear to the authorities, and that is this, that they should not remain under the impression that the police are not committing excesses. They can say, "We are not parties to these excesses. Our instructions are that excesses should not be committed." But they should not in any way try to defend the police when they actually do commit excesses. They should be grateful to Rai Bahadur Lala Mohan Lal and to other members of the House who have brought to their notice instances of excesses committed by the police. One instance referred to briefly by my honourable friend from Gujranwala (Mr. Din Muhammad) was about the case of an advocate from Rawalpindi. It is absolutely necessary that the authorities should know what actually happened there.

**Mr. S. L. Sale :** Sir, my information is that this case is *sub-judice* now and is not therefore a fit subject for discussion in this Council.

**Dr. Gokul Chand, Narang :** I am not going to discuss the merits of the case. I am interested only in drawing the attention of the House to the affidavit of the lawyer, Mr. M. R. Madhok, Advocate, High Court of Judicature, Lahore, practising at Rawalpindi, sent to Press and partly published in the *Tribune* of 10th June 1980.

**Mr. Deputy President :** Will the honourable member please refrain from discussing the case ?

**Dr. Gokul Chand, Narang :** I am not discussing the case at all. I am only referring to what was published in the press. This is what he said :—

"I am defending a good many political cases and in that capacity try my level best to safeguard the interests of the accused, with the result that matters come on record, which are not to the taste of the Magistrate, who all at once becomes peevish, begins to threaten me at the top of his voice and grinds his teeth. Once he told me that if I do not mend my ways, he will have to deal strongly with me.

"Some of the resolutions passed by the Association which are not to the taste of officials have been proposed by me and the executive authorities wanted to teach me a lesson.

"Some days back, I had vehemently protested against the conduct of—and other police officials, before the District Magistrate. I told the District Magistrate that the police were acting in a very high-handed manner; that the lawyers were being illegally obstructed and wrongfully complained against by police, and that even the District Magistrate's own court was turned by police as if that was a court *in camera*. I requested the District Magistrate that free access to the courts should be guaranteed to lawyers at least. On that the District Magistrate said that those were his orders, and I told him that I was all the more sorry, because I found that such orders of his were being ignored with impunity.

"He also alleges that the beating given to him seemed to be deliberately planned.

"Another lawyer who saw Yog Raj Bhasin and Brij Bhushan in the District Jail, says in his statement: 'Both of them told me that they were beaten by Mr. after they had been taken into custody and were actually in the judicial lock up.'

These are the instances. This is one of the incidents, as pointed out by my honourable friend, that came up before the High Court Bar Association. There are Bar Associations. We went into the matter and passed

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a resolution condemning the action of the Rawalpindi police. I can go further and submit, Sir, for the information of the services concerned and the members of this House that the High Court Bar Association consisting of a large number of lawyers....

**Mr. S. L. Sale :** I may point out, Sir, that the honourable member is referring to the case which is *sub-judice*. The action of the police whether right or wrong cannot be made a subject of discussion in this Chamber.

**Dr. Gokal Chand, Narang :** If my learned friend would have heard me he would have come to know that I was going to say something entirely different.

I was submitting, Sir, that the High Court Bar Association, consisting of a large number of lawyers was so much impressed with the atrocities committed by the police that they have appointed a sub-committee consisting of 9 members, the most leading lawyers of the High Court have been appointed by the High Court Bar Association to go into the question whether the police has any right to use force against the peaceful members of the public, and if so, to what extent the use of force is justifiable; and secondly, what are the remedies for the people against whom the force is used by the police. I am sure the sub-committee is working. It has done its work apparently and we are soon expecting the report of that committee. I would say that those members of the sub-committee are responsible men and their daily business is to deal with law cases and the rules. If you look at the list of that committee, it is headed by Sir Moti Sagar. It also consists of an European member. Sir, you will at once come to know that it does not consist of politicians and the political agitators. Every one of them is a responsible citizen.

The other day, Sir—it is an extremely important matter to which I want to draw your attention—a case was being tried at Gujranwala. In that case a statement was made by a police officer, a Sub-Inspector, that one of the accused, who was being tried under Section 17 of the Criminal Amendment Act, had always been defending the political accused in several cases, obviously maintaining that, this was one of the charges against him, and that was one of the reasons why he was run in for an absolutely false and unfounded case.

**Chaudhri Zafrulla Khan :** May I put a question, through you, Sir? The honourable member says that one of the police officers said this. Was the police officer in the witness box and is that statement on record?

**Dr. Gokal Chand, Narang :** The Sub-Inspector was in the witness box, and made the statement on oath. It is on record and is open to inspection by any one who likes to inspect it.

**Chaudhri Zafrulla Khan :** Did the Public Prosecutor object to that?

**Mr. Din Muhammad :** It was the Public Prosecutor who got it on record.

**Dr. Gokal Chand, Narang :** The question of my honourable friend has been very aptly answered by my honourable friend Mr. Din Muhammad that at the instance of the Public Prosecutor it was placed on record. This

part of the statement was also placed on the record. Sir, this was the charge against the accused made by the police. No doubt there will be angels in the police and there are angels in the police.

**Chaudhri Zafrulla Khan :** Was the man convicted ?

**Dr. Gokul Chand, Narang :** The man has been convicted. You would remember, Sir, the authorities would kindly note that this also is a very important matter to which the attention of the Government has been drawn from day to day. Most of the accused in the present movement and even those who are not actually in the movement, and who are following one practice or another, are not defending themselves. Therefore it cannot be concluded from the fact of conviction that the statement necessarily was true. It is not an un rebuttable statement. If they are to be blamed, thousands of them are to be blamed, from the highest to the lowest, from Pandit Moti Lal Nehru and Jawahar Lal Nehru down to the humblest folk whose name you people would not like to know. Sir, there is a further responsibility upon the authorities. After all the authorities are there to maintain peace and order and also to guard the liberties of the people, and, when they know that people do not defend themselves, their responsibility becomes all the greater. I wish to draw the attention of the House to a case which occurred a month ago at Amritsar in which a gentleman named Abdur Rahman Ghazi and Hakim Sikandar Khizar and some other people were convicted on a police report to stand their trial under Section 124-A. I know that case because I appeared in it myself. The report of the police was so suspicious *prima facie* that naturally emphasis was laid on the doubtful character of that report.

**Mr. Deputy President :** May I know whether the honourable member is discussing the excesses of the police ?

**Dr. Gokul Chand, Narang :** Yes, Sir, it is a very serious excess to make a false report.

**The Honourable Malik Firoz Khan, Noon :** Is that case not *sub judice* ?

**Dr. Gokul Chand, Narang :** The appeal was accepted and it was held that the police report was absolutely unreliable.

**Mr. S. L. Sale :** Sir, I question that statement. That was a clear case. The report was not proved to be true. It is different from being unreliable.

**Dr. Gokul Chand, Narang :** The original statement of the police was not proved to be correct and on this ground the Honourable Mr. Justice Johnston acquitted the accused in that case. If my honourable friends want to know, there is a large number of such cases. There is a comment on the report made by the police in another judgment. If I mistake not, Mr. Justice Bakhshi Tek Chand made a strong remark against a police report.

There are, Sir, hundreds and thousands of cases in which the police has committed excesses. I wish to draw the attention of Government to the Punjabi proverb, the *zakhm* of *qalam* is more serious than that of the sword. I want to submit that there has been a large number

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of cases in which the police has used *lathis* on peaceful crowds and volunteers, and other law-abiding people. In this connection I want to draw the attention of Government to one more instance out of so many which have already occurred and are occurring daily in every town, in Lahore, Simla, Jullundur, almost in every place. I shall draw the attention of the honourable members of this House to one instance and that is about the case of a pleader who was beaten at Sargodha. I will not go into the merits and demerits of the case, but I will only mention the facts. The report is that the gentleman was a member of the Congress. He was probably the President of the Naujawan Sabha and was interested in several such organizations. A case against him was pending. He went to a meeting and was sitting in a chair placed for him by a friend of his whose house was near the place where the meeting was being held. The meeting was dispersed by force and the Magistrate accompanied by the police went to that place where this pleader, Ram Piara Mal, was sitting. He was beaten. He ran into the house of his friend. He was followed into the house and was beaten mercilessly there. (*An honourable member*: When was it?) About 20 days ago.

**Shaikh Abdul Ghani** : About a month back.

**Dr. Gokal Chand, Narang** : My friend Shaikh Abdul Ghani, who belongs to Sargodha, certainly knows more about this matter, but the fact is notorious. There have been hundreds of such cases in which the police has been guilty of excesses. I should not be misunderstood when I say all this. There are men and men in the police who are honest and I know personally that there are some very good men in the police. Probably it is for those good men that we live, otherwise we would not have been allowed to breathe in this country. If they were to be judged by the excesses committed by an ordinary constable, the head constable, the sub-inspector or some European and Anglo-Indian sergeants, it does not mean that all those who are serving this force are the object of this motion. The object of this motion is not to embarrass the Government and to harass the police force, but the only object is to bring home to Government the treatment which is being meted out to peaceful citizens.

Every policeman should look upon himself as a servant of the people and not as their master, able to deal with them in whatever way he liked, whether it is in regard to Sardar Captain Sikandar Hyat Khan getting Rs. 5,000 or in regard to an ordinary individual like Ganda Singh, a constable getting Rs. 15 or Rs. 16. The same spirit must inspire every member of the service whichever department it may be. The object of the motion would be served if it is made plain and plainer still to the officers and men of the police that they are not to commit any excess on the people and they should have before them the example of the police in England where everyone knows, even we people who go there at once find out that every policeman considers himself to be a servant of the people and is always at their beck and call to help them whenever help is necessary.

**The Honourable Sir Henry Craik** (Finance Member) : Sir, I hope the House will bear with me if I take some little time in dealing with this

motion, as I have a considerable number of instances to refute and a considerable number of instances of my own to quote. I am afraid I shall necessarily occupy the attention of the House for some little time.

Before dealing with individual incidents such as have been brought to the notice of this House I should like to make a few remarks of a very general nature on the existing situation as it presents itself to me. The honourable mover of this motion has admitted that it is the duty of Government to maintain law and order. He said that that was the duty of any Government, a proposition which I think is axiomatic. Government is confronted at this moment with a movement which, however well-intentioned and whatever the sources from which it draws its inspiration, has as its avowed object to break the law and to break the law by means of mass action. You may call it non-violent if you like, in theory at any rate. Personally, I do not admit that any form of mass action can be non-violent. It predicates the use of one kind of force, that is the employment of great crowds which is just as much a kind of violence as hitting a man over the head with a stick. That being the situation, there are bound to be clashes between the forces of that movement whose avowed object it is to break the law and the forces of Government whose duty it is to maintain it. You cannot get out of it. It is an impasse. In the course of these clashes force is bound to be used. Our instructions are—and this is the law on the subject too—that, in dispersing any crowd that resists an order of dispersal and that therefore becomes an unlawful assembly, the minimum amount of force that is necessary is to be used. Those instructions of Government are constantly reiterated and I think are very well known to all our officers. The difficulty is not so much in the instructions themselves as in the interpretation of them. And I am the last to deny that in the enforcement of these instructions occasionally people are hurt, people receive injuries more or less severe and occasionally persons who are not really members of the crowd, but spectators—I will not call them mere spectators because anyone who puts himself in such a situation has only himself to blame—sometimes they may receive injuries. I deeply regret that inevitable result and I sympathise with those who suffer. I sympathise with them the more perhaps because I myself as a very young man once came into conflict with the police. I was myself a victim of what at the moment I considered a grave police excess. That was when I was a very young man at Oxford. On a certain historical occasion the authorities fearing that there might be a sort of riot or rag brought down a lot of London police. We were undergraduates and they were police. In the course of the rag I saw a man who I thought was unfairly arrested and I was foolish enough—I was a boy of 20—to interfere and I was very properly given a bang on the head with a police baton. This happened well over 30 years ago. I was at the moment extremely indignant and in fact was boiling with indignation. As soon as I was sufficiently recovered to do so I went with a friend, who had also been hit on the head, who afterwards became a High Court Judge in another province, and we forced our way into the police station and said we wished to lodge a complaint. "Oh! do you?" came the reply; "we are not taking any complaints at all to-night! Out you go!" And out we went, and landed violently on the pavement. That foolish indiscretion of my youth taught me a lesson which I think is a lesson every young man

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ought to know, and that is, when you see the police in action, keep clear. Anybody who interferes when the police are using force in the execution of their duty really is, I think, himself to blame if he gets what I got.

I think these clashes, or I should say the risk of these clashes, is greatly increased owing to the methods employed by the local directors of the civil disobedience movement. Their instruments in bringing about these clashes are very largely small boys. Lately they have used even more questionable methods. They are taking to employ women, a step which I greatly regret to say adds to the unpleasant nature of the duties of the police. But almost anywhere the use of small boys is now common. I think every member of the House, or certainly every member of the House who is the father of a small boy, will agree with me that it is deeply regrettable that these little children who ought to be at school or in the nursery should be led out and made to shout those silly slogans, words which breed hatred and which can have no effect except to turn them into really bad citizens. It is possible that by the time they grow up you will have full Swaraj and the Government of the day will like them to be good citizens. Are they by these methods being taught to be good citizens? Are they learning the elements of discipline? I would appeal to all honourable members to use their influence to stop these unfortunate children being dragged into this movement and being taught day after day, hour after hour, these slogans of hatred. It is disgraceful to rouse in children's minds feelings of hatred to anybody or anything. Children ought to be "friends of all the world" and to treat the whole world as their friends, and properly brought up children do. These poor little wretches I have myself seen standing for hours, little boys of 10 and 11 in front of a rank of police shrieking at the top of their voices the same monotonous, silly, meaningless songs of hatred—what good is that to anybody? Surely it can only mean that when the clash comes there will be feelings of bitterness not only on the one side, but on the other as well. I deeply deplore that side of the civil disobedience movement, and I hope honourable members will join me in that feeling.

I have already said that I sympathise with people who are hurt. I dislike as much as anybody here to see a man knocked out, even when I know that he has by his own act put himself into a situation which may have that result. But I do want honourable members to recognise one aspect of the matter that I think is not perhaps fully recognised in this House, but which has been most forcibly brought home to me. That is that the promoters of this movement are deliberately out to provoke clashes with the police and that they are deliberately out to make the most of any injuries that are received and to excite sympathy by exhibiting the victims of those injuries. In many cases people who are only slightly injured, who are not even injured at all, are paraded as victims of police brutality. That, Sir, I must ask honourable members to take it from me, is an absolutely and clearly established practice. (*An honourable member: Question.*) I have known cases where clashes were expected to take place, when the leaders of those demonstrations or processions, whatever they might be, have laid their plans to provoke a clash, and before the clash comes have had their blood-stained bandages and *charpoy*s all ready beforehand. I have heard of one case in which the clash never came off,

but the so-called casualties had medical certificates written out before hand in their pocket. (*An honourable member*: Name of the district?) Julundur. The date was the 4th of July. My point is this, that these clashes are deliberately provoked and in many cases the organisers are out to excite sympathy by exaggerating any trifling injuries that may be received. (*An honourable member*: The instance cited is rather important. Will you please tell us who the medical practitioner was who gave the certificate beforehand?) I am sorry I have not got the name.

Another point I wish to make is that in considering the conduct of the police you must also consider the nature of the difficulties with which the police have to deal. You must consider in the first place that the police have since the inauguration of this movement in most of the districts and nearly all the larger towns of the Punjab been exposed to a very severe strain. Their hours of duty are far longer than the normal hours. In most of the big towns where the movement is active, for example recently in this very place, Simla, the whole of the police force is on duty from early in the morning till midnight or later, on duty of a most distasteful and harassing nature. And in Lahore and Amritsar the strain has been even greater. And I do want honourable members to bear another point in mind. Ever since this movement started, the police in many places have been continually exposed to streams of insults. The favourite tactics of the mob are to get close up against the police either at the police station or a rank drawn up across a road and to shout out insults. I have heard this myself on more than one occasion both in Amritsar and in Lahore and I have been struck by the great restraint shown by the police in face of these insults. I am not talking now of the words "*inqilab zinda bad*" or "*toady bachcha hai hai*," I am talking of really obscene and foul insults directed at the female relations of the police and I have heard that with my own ears. (*A voice*: That is very shameful.) That is shameful indeed and I feel sure that other members like the honourable member think it shameful. (*Voices*: We do.) But I hope the House will realise that this is the sort of thing to which the police are exposed not on isolated occasions, but continuously and in innumerable places. It is a very serious factor in the situation. Apart from that the police have been exposed to the most insidious and craftily worded appeals directed against their loyalty.

**Shaikh Muhammad Sadiq**: It has nothing to do with excesses.

**The Honourable Sir Henry Craik**: It certainly has. Surely, Sir, the connection is obvious between what I say and the motion before the House.

I would not be doing my duty by the department which I have the honour to represent to-day if I did not add my testimony to the extraordinarily great degree of restraint, the very fine spirit of discipline and the courage that have animated the police throughout these critical months. (*Hear, hear.*) I wish, Sir, specially to mention the officer under whose general superintendence the force is, Mr. Stead, the Inspector-General, whose cheerful courage, equanimity and strict sense of discipline and impartiality have been an inspiration to the force under his command. (*Hear, hear.*) Mr. Stead has in a high degree that quality which is so important in a situation like the present, the *mens aequa in arduis*, and I am certain that Mr. Stead more



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than any body would deplore any action on the part of any individual officer of the police which detracts from the efficiency or the reputation of the force under his command.

Before I proceed to deal with individual cases there is one other remark I would like to make. One or two speakers have criticised Government rather on this line, that, "whenever we say anything against the police, you refuse to investigate." Sir, that is not right. I cannot undertake that we should have an enquiry by an outside agency into every single charge brought against the police force. That would be in the present circumstances impossible.

**Lala Kesho Ram, Sekhri :** Are the members of the Council an outside agency ?

**The Honourable Sir Henry Craik :** That, Sir, would be impossible. The number of allegations is so enormous, you have only to read the daily press to see instance after instance, allegation after allegation, practically all giving only one side of the case, that I cannot really undertake to investigate all of them. But I will give the House this assurance that any statement made to me from any responsible quarter I shall be prepared to investigate; and indeed all statements of this kind originating from such sources have hitherto been investigated. I cannot accept, as one speaker suggested, that statements in the press are necessarily correct, nor can I regard them all as originating from responsible quarters. I am sorry to say that the bulk of the present-day press is not impartial in this struggle and, if we were to attempt to contradict every statement made in the press, the secretariat would be working twenty hours a day, and then could not complete the task.

**Dr. Gokul Chand, Narang :** What is the Publicity Department doing ?

**The Honourable Sir Henry Craik :** It could not grapple with it. The stream of false or semi-false statements is too great. For instance, take another department of Government. I think hardly a day passes when I do not see that in such and such a jail the "political" prisoners have gone on hunger-strike. I began asking by sending telegrams to find out if the statements were true. But I have given up doing so now for I found that these statements were practically never true. I was startled to read that in such and such a place 20 arrests had been made for non-payment of land revenue, when so far as I knew there was no movement for the non-payment of land revenue in that district. That statement appeared in nearly all the leading papers of the province. But it was entirely untrue. There had been no non-payment of land revenue and no arrests. But, Sir, I repeat that any statement emanating from a responsible quarter made to me will be investigated as promptly as possible.

**Lala Kesho Ram, Sekhri :** What is a responsible quarter ?

**The Honourable Sir Henry Craik :** Any member of this House or any organised body.

Now, Sir, there is one other remark I want to make which is not directly concerned with the actual allegations made to-day. One honourable speaker mentioned by name two police officers and expressed an opinion, it was nothing more than his personal opinion, exceedingly derogatory to those officers. I think, Sir, you will agree with me that this is contrary to the very good tradition prevailing at Westminster. When an attack has to be made on Government, it is the member representing the Government in the House who is attacked. Subordinate officers who cannot defend themselves should not be attacked by name. (*Hear, hear.*) If an honourable member wishes to complain of an officer, he can do so outside this House to me, but in this House attacks directed against a particular department of Government must be directed to me. I am prepared to defend it. It is not fair to an officer if he is to be attacked by name while doing his duty in extremely trying and arduous conditions. I trust that my contention in that respect will have the support of the Chair. (*Hear, hear.*)

**Mr. President :** What does the honourable member mean? Does he mean that if a subordinate officer of Government is to be attacked by this House by a motion his name should not be mentioned?

**The Honourable Sir Henry Craik :** My contention is that, if honourable members have any complaint to make against the conduct of a subordinate or any officer of the police force, they should make it in the first instance to me and not on the floor of the House. It is a very good tradition, if I may venture to say so, which is observed in the House of Commons, that subordinate officers should not be attacked by name on the floor of the House; if an attack is to be made, it is made against the Minister.

**Mr. President :** If the attack is directed say by a motion against a particular officer of Government, the motion would be in order, but if an attack is made indirectly by bringing in the name of an individual officer of Government, I would certainly discourage it.

**The Honourable Sir Henry Craik :** In the present instance the attack was made in the course of a speech by a speaker. I was not aware that the point was going to be raised and I was naturally not informed of it and could say nothing about it. I could not possibly object to a motion of which I had notice. My point is that attacks on the police department in this House ought to be directed against the member in charge of the department.

I will now endeavour to deal with one or two actual cases of alleged police excesses that have been brought to our notice. But I am in a difficulty here. In very few cases have dates been given, and in very few cases have I been given any real details. But, so far as I can, I will endeavour to meet the cases that have been mentioned. I am afraid some of them I never heard of before. I did not know what cases were to be brought up. I have collected as much material as I could. But it is said that an impression is being spread abroad that the police is everywhere and on all occasions cruel, or at any rate habitually use force in excess of the needs of the situation against a public which is always non-violent. I entirely agree with the honourable member that such an impression is being sedulously created, but it is not the right impression. The facts are entirely different from that. This is certainly the impression that is being created. The first instance

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mentioned occurred, at a date which the honourable mover has not mentioned, in the town of Nawanshahr in the Jullundur district. That town,

3 P.M. Sir, has rather a bad reputation earned during the present struggle because on one, if not two, occasions serious assaults on the police were made at that place. On the 20th of June a political meeting was held there where some intemperate speeches were made some of which directly advocated the use of violence. Now the speakers who advocated violence must have been particularly pleased because in the middle of the meeting a brick was thrown which struck a police constable and cut his head open. That was followed by volleys of stones hurled at the police and the small force at the meeting was in grave danger of being overwhelmed, in which case one shudders to think what their fate might have been, keeping in mind the instances of Chauri Chaura, Sholapur, Chittagong and so on. There was only a small body of police there, six of them, and several village officers who came to their help received serious injuries. Thereafter they dispersed the meeting as an unlawful assembly. Two police constables had their uniforms torn to pieces. One sustained what is known in law as a grievous injury. That was one instance how non-violence is interpreted in Nawanshahr. Another was when a police man was endeavouring to arrest a certain vegetable seller of the place. This happened on the 26th of April. The man used filthy abuse to the constable and resisted arrest. He then struck the constable on the head with an iron scale and followed this up by stabbing him with a knife on his forehead. Another constable who came to his rescue was also seriously injured and the vegetable seller was in the act of stabbing the man a second time when some of the villagers rushed up and stopped him.

The next incident which the honourable member mentioned was that of Nakodar, of which I have no particulars.

**Rai Bahadur Lala Mohan Lal :** They are all mentioned in my report.

**The Honourable Sir Henry Craik :** The honourable member spoke of one or two incidents in Jullundur itself, and especially one on the 5th of May which was the subject of an enquiry over which the honourable member himself presided. Here I am afraid it is a case of direct conflict between the view of the honourable member and his committee and the view taken by Government which is not based entirely on enquiries made by police officers, but on enquiries made by the Commissioner. Our account of that incident was given by me in answer to a question on the floor of this House yesterday or the day before. There again a police constable attending a meeting was struck by a stone and in self-defence the officer in charge had to order the crowd to disperse and on refusal it had to be dispersed by force.

The honourable member also mentioned the Ludhiana district and stated that the Aman Pasand Sabha had requisitioned troops in 1919. That was 11 years ago and I do not think that that is very relevant to the motion before the House. That Sabha had announced that it was going to hold a meeting on a certain day, the 22nd of April according to my information.

*An honourable member :* At a public place? I think so. They were

threatened by the Congress people that they would break up the meeting. So the Sabha asked for police assistance. The meeting was held and there was trouble. The Deputy Commissioner was sent for and he ordered the meeting to disperse. The members of the Aman Pasand Sabha retired from the place and went into a building near by ; but the Congress people remained at the meeting-place and continued to demonstrate. They broke up the stage that was used as the platform for the meeting, put out the lamps and finally tried to break into the town hall in which the members of the Sabha had taken refuge. The police had thereupon to order the crowd to disperse and gave them warning accordingly that if they did not disperse they would be dispersed by force ; and eventually they were dispersed by force, but not till after the police had been assaulted and several police had their uniforms torn and a head constable was injured. So much for that instance.

I now come to Simla, to which the honourable member, as it is his constituency and his place of residence, has naturally devoted a considerable portion of his speech. I was glad to hear the tribute he paid to the Deputy Commissioner as a sympathetic and considerate officer. I have in my hand the Deputy Commissioner's report of the incident to which the honourable member has referred. The first incident in Simla happened on the 9th of May. The Deputy Commissioner himself had personally to order the dispersal of a large mob which he had declared to be an unlawful assembly. On that occasion it was necessary to arrest six men. I do not want to go further than that because I rather think these men are still under trial. The next day a deputation headed by the honourable member came to see the Deputy Commissioner and alleged that one of the men arrested had been severely beaten by the police while being taken to the lock-up and again when inside the lock-up. One gentleman told the Deputy Commissioner that he had seen the beating going on with his own eyes. I do not know his name. The Deputy Commissioner sent a magistrate to interview the accused and to find out the real facts. Five of them said that they had not been beaten at all. One alleged that he had been hit by a sergeant with a cane, but the other prisoners said, "no, he had not been beaten at all." This is quoted as an example of how quite respectable people can be deceived by the sort of statements made by these persons.

**Lala Chetan Anand :** Were the statements of those persons taken on oath ?

**The Honourable Sir Henry Craik :** I cannot say on oath. They were in the lock-up.

**Shaikh Muhammad Sadiq :** They may be different persons.

**The Honourable Sir Henry Craik :** Another incident occurred on the 14th of July. That was the next incident. The Deputy Commissioner's report on this incident is to this effect, that 6 volunteers in uniform came on to the Mall accompanied by a large crowd singing songs, disturbing the public tranquillity and obstructing traffic ; they were asked to move off to the lower bazar, but refused and sat down on the Mall ; they were then conducted by an inspector and sergeant to one of the alleys leading from the Mall to the bazar and pushed down ; a certain amount of force had to be used as the volunteers lay down and resisted being moved. The Deputy Commissioner concludes his report by deploring that during this period of

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agitation in Simla he has not received even a single offer of assistance from any non-official gentleman except one, and he cannot help feeling that if the leading gentlemen of the town would use their influence to restrain the agitation it would be to the advantage of all.

Now another incident was mentioned in regard to Simla. It was not mentioned by the honourable mover, but by another speaker. It was about Miss Zutshi. I understand that the allegation was that, on the occasion when His Excellency the Viceroy came to this building, some violence was used against her; but that is not the case. In fact the lady was actually allowed to commit an offence, rather than have been removed by force, which could easily have been done.

I think that concludes the list of incidents mentioned by the honourable mover, with the exception of one which he told us took place to-day at Simla, in regard to which I have ascertained that the Deputy Commissioner is making an enquiry. But I confess that I cannot but take the allegation that a man is unconscious and seriously injured with some caution.

The next speaker referred to Rohtak and made special reference to Madina village in regard to which I have some information. An incident happened at Madina on the 1st of July when a body of Congress volunteers arrived there and tried to persuade the lambardars to refuse to pay the land revenue. That is under the Ordinance a criminal offence. The lambardars were ready and willing to pay the land revenue and had in fact, I understand, collected it, and were actually on their way to pay it into the tahsil when they were detained by these Congressmen. It seemed that a breach of the peace was imminent and the sub-inspector thereupon took action under the securities section of the Criminal Procedure Code. He started making some arrests. The mob prevented by force the sub-inspector from taking away the people he had arrested. He succeeded in getting them into a lorry, but the removal of the lorry was prevented by the crowds who broke the lamps and smashed the glasses of the lorry. The sub-inspector was himself in great danger and had to send for assistance. A further body of police arrived and thereupon arrested a number of persons, some of whom, I understand, are still under trial. That is the case referred to by Chaudhri Baldev Singh of Rohtak.

He mentioned another village Karedi, but I have heard of no incident there and I am sorry I cannot say anything about that.

Mr. Din Muhammad of Gujranwala quoted several cases from the newspapers, but I am afraid, as I have already pointed out, I cannot accept newspaper statements of incidents of this kind as impartial or even as approximately correct. These statements are invariably, in my experience, grossly exaggerated and invariably state only one side of the case. He quoted again as an authority a statement made in a newspaper article by Mrs. Zutshi. There again I cannot look on that as an impartial source. That lady is one of the most prominent supporters of the civil disobedience movement and is constantly leading processions and so on. I cannot accept her as an impartial witness.

Dr. Gokul Chand, Narang, mentioned some so-called police excesses of a rather different character. He said that evidence given by police

officers is often found to be untrue. Those sort of cases I admit I did not expect to be brought up to-day, and I am not unfortunately in a position to meet them or discuss them. But one case he mentioned in which he said, if I understood him aright, that a certain police officer, in the course of giving evidence in a criminal trial, stated that the accused person had defended many political accused. I cannot see the excess. The officer was in the box and he was bound to answer questions put to him. If it was in fact true that this person had defended political offenders, he was bound to tell the truth.

**Dr. Gokul Chand, Narang :** The Honourable Finance Member seems to have misunderstood me. That was an instance quoted by me. I said that people are prosecuted for having defended political offenders. One instance was from Rawalpindi and this was from Gujranwala, and that instance from Rawalpindi was supported by an affidavit from which I quoted, I mean Mr. Madhok's instance. I quoted both kinds of instances of excesses of the police, the physical as well as that of reporting. Mr. Madhok's instance was of physical excess. He had started that case by an affidavit and by the statement of 18 other lawyers of Rawalpindi who were eye-witnesses.

**The Honourable Sir Henry Craik :** As regards Mr. Madhok's case, I take it that this happened on May the 19th, when the crowd was demonstrating outside the court and had to be dispersed by the police, who used canes, and not *lathis*.

Another similar incident took place three days later on the 22nd when a number of arrests had been made. I think that was the case in regard to which we have received a protest from the Bar Association. I feel very sympathetic towards Mr. Madhok, but I do not feel that I am in a position to say anything about that statement at present as I understand that a number of persons who were arrested on that occasion are under trial. It is perhaps possible that he was one of the people whom I had referred to in the earlier part of my speech and was struck by mistake. I am sorry I cannot meet the honourable member as to that incident.

**Dr. Gokul Chand, Narang :** He has applied for sanction to prosecute the police officer and I hope you will give the sanction to bring out the truth.

**The Honourable Sir Henry Craik :** I think I have mentioned all the incidents of alleged police excesses which were brought to my notice in the course of this debate. I have admitted that there are some incidents of which the dates and full particulars have not been given and which I have not been able to identify. I have mentioned one or two assaults on the police, but I have a very large number of such cases with which I do not propose to weary this House. But the point I wish to make is that the police have been exposed throughout these months of the civil disobedience campaign not only to a constant and steady stream of abuse, not only to continuous and day-by-day misrepresentations in the press and on the platform of their actions, not only to insidious attempts to seduce them from their loyalty and to make them to refuse to do their duty, but in addition they have been exposed to a very real and very grave danger of personal injury and even loss of life. Throughout that period the conflicts between the police and between disorderly crowds have been frequent. But I think the House will agree with

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me that it is a striking tribute to the restraint which the police, and I may add the magistracy, have shown in the discharge of their duty, that only on one occasion since this campaign started has it been necessary to use fire arms, and even on that occasion only one man was hit and was very slightly wounded.

**Dr. Gokul Chand, Narang :** That is equally a tribute to the people.

**The Honourable Sir Henry Craik :** That may be or that may not be, but I would call the attention of the honourable member to the fact—and I think I can do this without making invidious comparisons—I would like to ask in how many provinces in India has there been only one case of firing.

**Dr. Gokul Chand, Narang :** That shows that the people are peaceful.

**The Honourable Sir Henry Craik :** The people of the Punjab are by general repute less peaceful than those of other parts of India.

**Shaikh Muhammad Sadiq :** But they are more sensible.

**The Honourable Sir Henry Craik :** There is one other point before I sit down that I would like to mention. I very earnestly hope that this House will not by its decision on this motion pass a vote of censure on the police. I have mentioned the strain under which the whole police is acting, and I would like to bring to the notice of the House that a large part of our police force, the part for whom this demand under discussion has been presented, is composed of that same magnificent material that won for the Punjab such a name during the Great War. They are men from peasant homes, of all creeds and of very numerous tribes. Every single man almost without exception whom we have enlisted is an old soldier. Every single one of them, officers and men, to the best of my belief, wears on his breast the medals that he has won in the Great War. It is these men who stand to-day at the bar of this House and it is on their behalf that I ask the House to reject this motion. (*Applause.*)

**Chaudhri Zafrulla Khan [Sialkot (Muhammadan) Rural] :** Sir, nobody will deny that in discussing this motion the House is engaged in the consideration of a very grave and very serious matter. On the one hand, there is the plain duty of Government to maintain peace and order in the province and to secure to the peaceful citizens of the province the undisturbed pursuit of their ordinary avocations. In fulfilling that duty Government are very often faced with grave difficulties and situations arise where a decision on the one side or the other is bound to be fraught with grave consequences. Nobody will therefore be disposed to deny that Government's position at such times is one of great responsibility and difficulty and everybody who realises his responsibility in these times of violent agitation must be prepared to concede to Government all such power and all such means as would enable Government to discharge its duty adequately towards the public—a duty in the performance of which the public is itself very keenly interested.

On the other hand, Government themselves will not be disposed to deny that in carrying out that duty they must have regard to the rights not only of that section of the citizens who think politically along the same lines as are



acceptable to Government, but also to safeguard the rights of those who are in political opposition to Government. As I have said, the first proposition will not be denied by the political opponents of Government and the second proposition will not, I hope, be denied by the members of Government themselves. The position therefore is that this House, at any rate so I hope, that this House, realising its responsibility, would be prepared on occasions when Government approaches this House for further powers or for larger grants in order to discharge this duty, to give Government those powers or grant those funds. But, if in connection with the discharge of that duty, it comes to the notice of the members of this House, either individually or collectively, that acts have been committed which *prima facie* are insupportable, it must lodge a protest with Government before arming them with larger powers or granting larger funds. This motion is not directed towards refusing to Government the extra amount of money which they have asked this House to grant in order to enable them to carry out their duty to safeguard the lives, property and liberties of the people of this province. This motion is directed towards drawing the attention of Government to incidents which are alleged to have occurred and to the very serious political consequences which those incidents might lead to, and to advise Government to take such steps as would put an end altogether, or at least to a very large extent, to the repetition of such incidents and would engender confidence among the public that Government is doing all that it can to prevent the repetition of such unhappy incidents. There is one category of incidents to which I am not personally disposed to attach importance. It is no doubt true that, when during the course of the discharge of their duties the police are faced with this situation that they have to disperse unlawful assemblies, it becomes extremely difficult both for the officers directing the police force and for the men in the police force to weigh, as has been said, in golden scales the amount of force that is necessary for the dispersal of such assemblies. In dispersing such assemblies it is bound to happen that the police think that they are using the minimum amount of force, and those against whom force is being used naturally consider that they are being persecuted under the cloak of the police carrying out their duties of protecting peaceful citizens. That is a matter on which a decision would be extremely difficult; in a clear case of excess no doubt the police could be blamed, but in a case of doubt the benefit of the doubt must go to the person or persons who are acting in the lawful discharge of their duties and not to persons who have been declared to have assembled for an unlawful purpose. (*Hear, hear.*) To that extent I am prepared to agree with the Honourable Finance Member and, with the exception of glaring instances, to acquit the police both of an intention to commit excesses and of actual commission of excesses. (*Hear, hear.*) But, on the other hand, many of us have felt that, very probably due to the long continued strain to which the officers and the men of the police force have been exposed during the past six months and more, a spirit has perhaps been engendered, not in the department or the force as a whole, but at certain places or among certain individual officers or men of the police force, that they are somehow justified on certain occasions in retaliating and causing injury by way of revenge. As ordinary human beings we are ourselves liable sometimes to be actuated by that spirit and I would be willing to make concessions to a certain extent if the consequences of the spirit have not been manifested in any very serious



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manner. But I hope honourable members will agree that, however great the difficulties of the police, they are bound to act under these circumstances with far greater restraint and far greater control over their feelings than is expected from the opponents of peace and order. No doubt, morally the police are engaged in the discharge of a duty which is for the benefit of the public. But our own political predilections one way or the other really have nothing to do with this question.

Again I hope the honourable members on the Government benches will agree with me that: however condemnable from their point of view and equally from my own point of view the political activities of those persons may be, until they have done something which places them within the mischief of the law they are entitled as much to the protection of the police as any ordinary peaceful citizen. When such incidents have occurred, some of which have been alluded to, where a policeman or a police officer has assaulted or is alleged on *prima facie* evidence to have assaulted a peaceful citizen, who at the time when he is alleged to have been assaulted was not a member of any unlawful assembly or crowd, it is in the interest of Government themselves not only to take action, but to make an example of the officer or policeman who has misbehaved in that manner not merely on the ground that the police being the guardians of the peace ought not to behave in that manner, but also on the ground that an allegation of that kind made against Government in these times is likely to do far greater harm than in ordinary peaceful times; and it is likely to be made a ground for further political propaganda, and capital would be made out of it. Therefore, in their own interest, in order to preserve the good name of the police and the good name of Government, it is necessary to demonstrate that, however objectionable the conduct of these political crowds may be, Government and their officers in the heat of the moment will not be permitted to lose their heads or their tempers and that Government will make an example of any officer or man who is alleged and is proved to have acted in an objectionable manner.

Now the difficulty that arises in this case, and the difficulty that makes it necessary that these matters should be ventilated in this House and very strongly pressed on the attention of Government, is this: If persons are engaged in activities of an unlawful character, they would be promptly prosecuted by Government or the police and there is no hindrance, no barrier, in the way of Government taking action against such individuals; and I suppose action is always taken. But, supposing a police officer or a policeman has unjustifiably assaulted a member of the public, the public is not at liberty to prosecute such an officer without the sanction of Government. Therefore at the very initial stage the remedy is not equal. If the remedy had been equal, one would easily offset the other. Both sides of the question would be left to the judicial tribunals to determine. If the officer is found to deserve blame, he would be punished, and if the individual is found to deserve blame, he would be punished, and this House would not be under the necessity of taking notice of a struggle of this kind. But at the very initial stage it is for Government to determine whether there is, or is not, a *prima facie* case to permit one of their own officers to be tried in a court of law. I am not cavilling against that provision of the law, I do not

want that that provision of the law should be repealed. It is perfectly reasonable that, before the officers of Government who are engaged in the discharge of such delicate, responsible and onerous duties are subjected to the inconvenience, annoyance and expense of a prosecution, Government should have some *prima facie* material upon which to decide whether a particular officer is likely to have acted in the manner in which he is alleged to have acted; but nevertheless, whatever may be the reasons for the withholding of such sanction, the matter rests in their hands, and as the matter rests in their hands their responsibility is also increased and they must be able to justify themselves before this House and before the public, before the House can acquit them of the charge that in no instance whatsoever has any excess been committed of which Government should have taken notice. Now take one instance. Only the other day certain allegations were made by Government against a late member of this House that in the discharge of his duty as a non-official visitor of jails he had misbehaved. On receipt of that charge of misbehaviour Government withdrew the privilege which had been conferred upon him, or rather refused to confer upon him the privilege which according to the resolution which was accepted by Government should have been conferred upon him; and then called for his explanation so that, if he could clear himself of that charge, the privilege might be restored to him. Very good. On the other hand, affidavits have been brought to the notice of Government, sworn by a member of the Rawalpindi bar, submitted by the Rawalpindi Bar Association to the High Court, in which he alleges that he was assaulted without rhyme or reason by a police officer who had a grudge against him on grounds of certain political differences. That statement, we are told, was supported by the statements of several other lawyers of the Rawalpindi bar. May I ask Government whether they consider that the status of a lawyer of the Rawalpindi Bar Association is not equal to that of an Assistant Superintendent or a Deputy Superintendent of Jails? If it is, then, did Government act with equal fairness towards their own officers and towards the public, and did they take similar action in this matter as that which they took in the case of a member of this House? Did they, on receipt of information saying that such an affidavit had been sworn, which, I understand, is published in the press, promptly suspend that particular police officer concerned and tell him that he would be restored to his post and to the emoluments thereof in case he succeeded in clearing himself of the charges brought against him?

If they did not do so—there is no information before the House that they did do so—then do they not stand open to the charge that they are on all occasions disposed to believe the version of an officer of their own simply because he happens to be an officer of Government as against a member of the public, however high his status may be? In one case, Government was very prompt to take action against a member of the House who was complained against by two gentlemen against whom I have nothing to say. On the other hand, they took no action on their own accord against an officer who was complained against and were presumably satisfied by the word of the officer that he did not act in any manner which would lay him open to any disciplinary action. (*Mr. D. J. Boyd*: It was not on the officer's report, but on the report of the Deputy Commissioner.) Very well. It was the report of the Deputy Commissioner, who is the head of the police in the district.

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I do not say, I do not allege, and it is not my habit to allege on *ex parte* statements, that a certain thing is proved, that these officers misbehaved, nor do I say that that affidavit sworn by the lawyer from Rawalpindi was wrong or false. The matter has to be decided, and cannot be decided merely by allegations on one side or the other. But the question is, you have got to engender confidence among the public and among the members of this House, that in all these matters strict impartiality and fairness is being observed by Government and their officers. And what was the manner in which that confidence was sought to be engendered? The head of the police of the district was asked to make a report. He made a report that this particular gentleman who had probably made himself obnoxious as he himself alleges....

**Mr. D. J. Boyd :** I think it is misleading to talk of it as the report of the police. It was a report of the District Magistrate.

**Chaudhri Zafrulla Khan :** The Chief Secretary does not appear to know that the District Magistrate is the head of the police. If the Chief Secretary would be satisfied with an authority, I would refer him to the first volume of the report of the Simon Commission where he will find the District Magistrate is described to be the head of the police. He is also described as such in the Police Act and in the police rules if I am not mistaken. That was one instance. Another instance was cited where a Public Prosecutor made it a part of his case, presumably under the instructions of the District Magistrate again, the head of the police, that a certain lawyer should be put on security or should be convicted of an offence on grounds one of which was that he had very zealously defended political cases. I should have liked to know what action Government propose to take against the Public Prosecutor who so far forgot his duties as a member of the bar that he made, or caused to be made, such an allegation against an accused person.

**Mr. President :** Could Government take any action against a member of the bar as such?

**Chaudhri Zafrulla Khan :** Not as a member of the bar, but as a Public Prosecutor. As a member of the bar he ought to have been aware of the several rulings.

**The Honourable Sir Henry Craik :** I may state, Sir, to save time, that I never heard of this. I shall now look into it.

**Chaudhri Zafrulla Khan :** For the information of the official benches I may tell them that as a member of the bar he ought to have been aware of several rulings of the various High Courts, two of them very recent rulings of the Allahabad High Court that, when a brief is offered to a lawyer, on whatever side it is offered, on payment of a fair fee, it is misconduct on his part to refuse the brief. Therefore, if a brief is offered to a lawyer, he must accept it, and, when he accepts it, it would again be misconduct on his part if he does not zealously defend the side which briefed him. I fail to see what grievance Government had on that ground against this particular lawyer that he had zealously defended political cases. Therefore, when such instances as I have now mentioned, not cases of clashes between the police and the crowd with regard to which, as I have said, I accept the statement of the Honourable the Finance Member, occur, where it is shown

that with regard to particular individuals the police have acted beyond their powers simply because they happen to belong to a political party which is not in favour with Government, which is not, I may also say, in favour with me for, for, as to this civil disobedience movement and other kindred questions, I am entirely opposed to the propaganda which is being carried on in this province, it becomes the duty of the House to press upon Government to take such measures as would engender confidence in this House and in the public that Government are doing all that they can to obviate such occurrences.

It might be asked what Government should further do. I have, in reply to such a possible question, a concrete suggestion to make to Government. The Honourable the Finance Member has at his disposal the services of certain honourable members of this House who have been elected by this House to serve on the Standing Committee on Police. Under the Standing Orders as explained by you, Sir, the day before yesterday, I think it is open to Government to refer any matter to this committee for their advice. Of course, it is perfectly open to them not to refer any matter at all, but I would give them this advice on this occasion that, the political situation in the country being such as both sides of the House have described, it is of the utmost importance that Government should be acquitted of all blame in such matters not so much for the sake of the individuals who may have been injured or hurt or whose rights may have been interfered with, but for the sake of the peace and tranquillity of the province in the long run, that there should be no such suspicion against Government as has been cast from various sides of the House. My reason is this, that, when such matters arise, it is not sufficient for Government to say, if from responsible quarters we receive complaints, we shall look into them and make sympathetic enquiries, for that is the duty of Government on every occasion. If they have not done so in the past, that is a very strong reason for condemning their attitude, and if they have been doing that in the past, that has been regarded as insufficient by this House and they must do something further to show to the House that they are willing to accept my suggestion.

**Mr. President :** May I remind the honourable member that the Council is likely to be dissolved in a month, and that, even if the new Council comes into existence some time in October, the Police Committee cannot be elected before March next ?

**Chaudhri Zafrulla Khan :** But the gentlemen who now serve on that committee may be continued.

**Mr. President :** But a Standing Committee of the Council cannot continue to exist after the dissolution of the Council.

**Chaudhri Zafrulla Khan :** My submission is, if that is not possible, I would make this offer to Government, that they should select 4 non-official members of this House from various sections at their own discretion, members in whom they have confidence, that their judgment will not be influenced by any political considerations and that they would be able to pronounce an impartial verdict upon any set of circumstances presented to them ; associate them with the Inspector-General of Police, with the Home Secretary or with the Honourable the Finance Member; and, when any grave allegations of the kind which have been made in this House are made against

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the police, the chairman of this committee along with the four non-official gentlemen might enquire into those allegations either in full committee or by deputing some of them or by calling for reports on the understanding that the verdict of the committee on such matters would be accepted by Government and action taken accordingly. If that suggestion is accepted, there will be this result, that Government will be acquitted of any charge in regard to all such matters; I am not referring to past matters, but those that might arise in the future before this House. They would have the co-operation of this House in any measures that they might propose to enable them to discharge their duties to which I have referred adequately and they would always be readily and willingly granted any further funds that they might ask for from this House. Therefore my submission is that, although this House is, as I understand, disposed to grant to Government the further funds that they have asked for, I see there is no motion against the grant as a whole, and I trust that it will be granted. Government should accept the suggestion I have made on this motion in the spirit in which it has been made and show to the House that they are willing to take the House into their confidence and to show to the public that they have got a clean sheet and that they have got nothing to be afraid of.

With these words I support this motion.

**Mr. C. M. G. Ogilvie :** I move—

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“That the question be now put.”

The motion was carried.

**The Honourable Malik Firoz Khan, Noon :** Sir, the object of this motion is to draw attention to police excesses and I believe you have ruled before that, when a motion is intended to merely draw attention to a certain matter, the cut will not be put to the House. As you are about to put the question I wanted to bring this to your notice.

**Mr. President:** The matter before the House is no doubt a one rupee cut with the object of raising discussion on a certain issue. The year before last I decided that such motions being motions for reduction should be put to the vote of the House, but last year, at the instance of certain members, I did not put some of such motions to the vote. However, that was a mistake and I corrected it subsequently. It is now the settled practice of this House that all such motions are put to the vote of the House.

**The Honourable Sir Henry Craik :** Would I be in order, Sir, if I now say a word or two in reply to the suggestion of the honourable member Chaudhri Zafrulla Khan? It is a suggestion which I have not heard till now and it is quite a surprise to me. The honourable member can hardly expect me to accept it without consulting my colleagues. But I can assure him that I will give consideration to it.

**Mr. President :** Demand under consideration, the question is :—

“That the total grant be reduced by Re. 1.”

The Council divided : Ayes 41, Noes 84.

Ayes 41.

Diwan Bahadur Raja Narendra Nath  
Dr. Gokul Chand, Narang.  
Rai Bahadur Lala Mohan Lal.  
Chaudhri Ram Singh.  
Lala Mukand Lal Puri.  
Pandit Nanak Chand.  
Lala Kesho Ram Sekhri.  
Lala Gopal Das.  
Lala Joti Parshad.  
Mian Ahmad Yar Khan Daultana.  
Chaudhri Baldev Singh.  
Pandit Mehar Chand.  
Sayad Mubarik Ali Shah.  
Rao Bahadur Chaudhri Chhotu Ram.  
Mr. Din Muhammad.  
Mian Nurullah.  
Chaudhri Yasin Khan.  
Khan Bahadur Malik Muhammad  
Amin Khan.  
Chaudhri Zafrulla Khan.  
Sayad Muhammad Husain.  
Chaudhri Ali Ahmad.

Mian Mushtaq Ahmad.  
Khan Bahadur Mian Mufammad  
Hyat Qureshi.  
Chaudhri Umar Hyat.  
Pir Akbar Ali.  
Chaudhri Duli Chand.  
Shaikh Faiz Muhammad.  
Khan Muhammad Abdulla Khan.  
Rana Firoz-ud-Din Khan.  
Shaikh Abdul Ghani.  
Lala Chetan Anand.  
Chaudhri Muhammad Abdul  
Rehman Khan.  
Sardar Jawahar Singh Dhillon.  
Sardar Hari Singh.  
Sardar Buta Singh.  
Shaikh Muhammed Sadiq.  
Sardar Partap Singh.  
Rai Bahadur Lala Dhanpat Rai.  
Khan-Bahadur Sardar Habibullah.  
Sardar Sahib Sardar Ujjal Singh.  
Sardar Bishan Singh.

Noes 84.

Colonel C. A. Gill.  
Mr. H. Calvert.  
Khan Bahadur Nawab Muzaffar  
Khan.  
Mr. W. R. Wilson.  
Mr. C. A. H. Townsend.  
The Honourable Malik Firoz Khan  
Noon.  
Mr. B. Sanderson.  
Mr. W. S. Dorman.  
Mr. M. A. Ghani.  
Mr. H. F. Ashton.  
The Honourable Mr. Manohar Lal.  
The Honourable Sardar Sir Jogendra  
Singh.  
Mr. Alan Mitchell.  
Mr. J. D. Penny.  
Dr. (Mrs.) M. C. Shave.  
The Honourable Sir Henry Craik.  
The Honourable Captain Sardar  
Sikandar Hyat Khan.  
Mr. C. M. G. Ogilvie.

Mr. D. J. Boyd.  
Mr. S. L. Sale.  
Mr. Owen Roberts.  
Rai Bahadur Pandit Daulat Ram  
Kalia.  
Chaudhri Kesar Singh.  
Rai Bahadur Lala Rattan Chand.  
Mir Maqbool Mahmood.  
Khan Bahadur Chaudhri Fazl Ali.  
Khan Bahadur Khan Muhammad  
Seifullah Khan.  
Makhdumzada Sayad Muhammad  
Raza Shah Gilani.  
Sardar Harbakhsh Singh.  
Sardar Bahadur Captain Dalpat  
Singh.  
Sardar Sahib Sardar Fateh Singh.  
Sardar Bahadur Sardar Sheo Narain  
Singh.  
Sardar Mohinder Singh.  
Mr. E. Maya Das.

**Mr. President :** The question is :—

“That a supplementary sum not exceeding Rs. 99,999 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1931 in respect of Police.”

**Shaikh Muhammad Sadiq** [Amritsar City (Muhammadan), Urban] : I rise to oppose the demand. The cut in regard to the demand has just been carried, but it is only a one rupee cut. Government have grown accustomed to such reductions and would not mind it. It is further a reserved subject. We want to express our whole-hearted disapproval of the entire demand. Sir, although an offer was made by my honourable friend (Chaudhri Zafrulla Khan) to Government, they have not been pleased to accept it. The Honourable the Finance Member has the Home Secretary behind him, the Revenue Member to his right and other honourable colleagues of his to his left, and he could have easily consulted them and in about ten minutes could have given a definite reply to the suggestion. But he wants time for consultation.

Sir, we find not all the police of the Punjab guilty of the atrocities complained of. The Honourable the Finance Member has been beside the track when he thought that we were attacking every member of the police. We have no mind to do so and it would be wrong for us to do so. We as Nationalists, who hope to govern the country when these gentlemen go away, would not want that our future police should be so attacked. That would be wrong for the police is a subject which should not be tacked with politics. It should be above politics, and that is my honest view. Honourable members should not ordinarily drag the police into the discussions in this House. But the duty of keeping the police away from our discussions, to see that they are not dragged in here, lies upon Government, who ought to take every care in this respect. It is for Government to set an example by punishing the wrong-doer and create confidence in the public and give a lesson to these police officers.

**Mr. President :** The honourable member is now repeating the arguments advanced by other members.

**Shaikh Muhammad Sadiq :** I am stating facts in a different way. When we are attacking the police, we are not attacking it as a whole. We take a particular instance which comes before the public and we ask Government to take action. The Honourable the Finance Member stated that, if an honourable member brings anything to his notice, he will take action. How many times are we to bring things to the notice of Government? Two months ago I wrote a letter to His Excellency the Governor alleging that beating took place in Amritsar in my own presence without justification, without reason and without rhyme.

**Mr. President :** The honourable member is now repeating arguments which related to the amendment. These arguments were advanced when the amendment was being discussed.

**Shaikh Muhammad Sadiq :** They also apply to the grant. I am stating reasons why we should reject the grant. The facts are quite different. The instance is quite different and the reasons are quite different. Up to this time no example has been given by any member that he has actually seen beating with his own eyes. I challenge whether any member



has alleged that beating took place in his presence. Two, three months have passed and Government has not once asked me whether I am prepared to support the allegations. Something is going on inside the department. From Lahore to Simla and Amritsar free travelling is going on on a platform ticket, and yet they have not asked me about the facts of the case. Perhaps after six months the Home Secretary and the Finance Member will wake up and ask me to produce evidence. Is that the way to treat the letter and complaint of an honourable member of this House? If a member of the House is to be treated like this, what about other persons who have no voice at all? The letters written by them go to the waste-paper basket. This is not encouraging the public to lay their grievances before Government. Give punishment to the really guilty. I am the last person to plead that a man who is not guilty should be punished. I am sure if a member had been there the police would have beaten him. Sometimes innocent men are beaten and I do not complain against that, as the Finance Member said they have no business to be there, but, where there is deliberate beating, deliberate misuse of power, are we not entitled to ask Government to take action? We have evidence with us that the methods of the police are objectionable. Is this law and order? The Honourable the Finance Member says that he is not going to take notice of the reports in the press.

**Mr. President :** The honourable member should not repeat his own arguments.

**Shaikh Muhammad Sadiq :** I should not repeat my own arguments, I cannot repeat others' arguments. I do not know what I am to do. (*Laughter.*) There is a man of eighty years of age and he says that the police at twelve o'clock in the night broke open his doors, foully abused his daughter and daughter-in-law, yet the Finance Member is not prepared to believe him. Is this all wrong? Are we all telling lies? I may be a Nationalist; I have not joined the creed of non-co-operation, yet the thing is that, when you see these things done, it makes your blood boil. I say that there are a number of rogues in the movement, but can Government deny that there are rogues on their side as well? If they break the law, they must be punished, but the police is not punished only because it is the police. It means, whenever you make a speech in the Council against the police and the police is angry with you, they can beat anybody they like. The man who pickets may be taken to jail, but can he be beaten? When the mob is unruly, it may be punished. Perhaps I would do the same thing if I were a policeman, surely I would beat them if I were called *toady bachcha*. But we cannot tolerate a case of deliberate beating. There Government takes protection behind provocation. It means that, if the police is provocative, they can beat Mr. Boyd, they can beat Mr. Ogilvie, only because they were annoyed at some European. The question is that the man who does anything should be punished. We do not want that a single policeman who is not guilty should be punished. I know their position is very difficult. I know our own volunteers sometimes strike very honourable visitors from outside. Policemen are also human beings, but we object to deliberate beating.

**Mr. President :** How many times will the honourable member repeat his arguments?



**Shaikh Muhammad Sadiq :** Once more (*laughter*) I submit, Sir, that Government has not made out a case at all. We want that this whole budget should be thrown out so that Government should feel its responsibility. This is the object of my asking for the rejection of the whole grant. Let them certify the whole thing. The world should know that this Council has protested against the excesses of the police, not that we do not want them to engage more policemen to manage the affairs of the country, absolutely not; but, when they protect the guilty, they damage hundreds of policemen who are innocent. I know a policeman is a policeman, but I do not want that, on occasions when absolutely definite charges are made, they should not be enquired into. When the police beat and drag people and break their limbs and abuse them, such cases, when they are brought to the notice of Government, must be enquired into and Government should not take shelter behind platitudes.

**Mr. President :** The honourable member is persisting in repetition.

**Shaikh Muhammad Sadiq :** No, I have given up repetition. (*Laughter.*) If you look at page 2 of this blue book you will find there is a provision of Rs. 1,000 for rewards. I want to submit that this reward should not be given to those people who beat the public. It will look that Government is probably encouraging beating and the people will be beaten for a reward. Then, Sir, look at motor-cars costing Rs. 33,000. Could not the police work with ordinary Chevrolet cars? Why have the luxury of commercial cars? The Honourable the Finance Member probably goes in his Ford; why should the policemen drive in better cars?

**Mr. C. A. H. Townsend :** Is the gentleman an agent for Ford cars?

**Shaikh Muhammad Sadiq :** No. The honourable member from Ireland is rather witty this afternoon, but his wit is rather misplaced. I am not an agent for the Ford, nor am I an agent for Chevrolet cars; I am an agent for economy and common sense.

They are ready to spend twenty thousand for cars for the police, though they themselves are using American cars. I do not know whether they are agents for American cars. But I know he is not serious; he can never be serious. No Irishman is ever serious. It is not in the blood of an Irishman to be serious.

**Mr. C. A. H. Townsend :** I am trying to be just as much serious as the honourable member himself is.

**Shaikh Muhammad Sadiq :** I know he cannot be serious; he is a jolly fellow. You can tell it from his face. It is a question of money. You must prove strictly to us that this money is required. Last year they told us that this police was going to be for Congress only, but I told you that it is going to be a permanent fixture; they are going to use it as a striking force. They have selected people from the north; I believe they are not taking ordinary people from these districts; they are importing outsiders, that is a particular kind of stuff which they consider to be an approved stuff for the management of the poor town and village people. For these reasons, since I feel that you are not disposed towards my prolonging my speech, I close my remarks.

**Mr. President :** The question is :—

“That a supplementary sum not exceeding Rs. 99,999 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1931 in respect of Police.”

The motion was carried.

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MISCELLANEOUS RESERVED GRANT.

**The Honourable Captain Sardar Sikandar Hyat Khan** (Revenue Member) : Sir, I beg to move :—

“That a supplementary sum not exceeding Rs. 1,14,000 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1931 in respect of Miscellaneous Reserved.”

The motion was carried.

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MISCELLANEOUS TRANSFERRED GRANT.

**The Honourable Sardar Sir Jogendra Singh** (Minister for Agriculture) : Sir, I beg to move—

“That a supplementary sum not exceeding Rs. 39,100 be granted to the Punjab Government (Ministries of Agriculture and Local Self-Government) to defray the charges that will come in course of payment for the year ending the 31st of March 1931 in respect of Miscellaneous Transferred.”

The motion was carried.

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CIVIL WORKS TRANSFERRED GRANT.

**The Honourable Sardar Sir Jogendra Singh** (Minister for Agriculture) : Sir, I beg to move :—

“That a supplementary sum not exceeding Rs. 8,25,000 be granted to the Punjab Government (Ministry of Agriculture) to defray the charges that will come in course of payment for the year ending the 31st of March 1931 in respect of Civil Works Transferred.”

The motion was carried.

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FAMINE RESERVED GRANT.

**The Honourable Captain Sardar Sikandar Hyat Khan** (Revenue Member) : Sir, I beg to move—

“That a supplementary sum not exceeding Rs. 5,00,000 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1931 in respect of Famine Reserved.”

The motion was carried.

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IRRIGATION GRANT.

**The Honourable Captain Sardar Sikandar Hyat Khan** (Revenue Member) : Sir, I beg to move—

“That a token sum not exceeding Rs. 10 be granted to the Governor in Council to defray the charges that will come in course of payment for the year ending the 31st of March 1931 in respect of Irrigation.”

The motion was carried.

The Council then adjourned till 11 A.M. on Friday, the 25th July 1930.

PRINTED BY  
THE SUPERINTENDENT, GOVERNMENT PRINTING, PUNJAB.  
60 PLC-600-26-8-30-SGPP Lahore.

## PUNJAB LEGISLATIVE COUNCIL.

5TH SESSION OF THE 3RD PUNJAB LEGISLATIVE COUNCIL.

Friday, the 25th July 1930.

The Council met at the Assembly Chamber, Simla, at 11 A.M. of the clock. Mr. President in the Chair.

### STARRED QUESTIONS AND ANSWERS.

#### ACTION TAKEN IN CONSEQUENCE OF POLITICAL ACTIVITIES.

**\*3053. Rao Bahadur Chaudhri Chhotu Ram:** Will the Honourable Member for Finance kindly state—

- (a) the number of persons prosecuted and convicted for sedition since the beginning of the current year in the province;
- (b) the number of instances in which military aid has been requisitioned for maintaining or restoring order in the province;
- (c) the number of persons (i) killed or (ii) injured by the police or the military in any conflict which may have occurred between the subjects and the forces of law and order in consequence of the political activities of an extreme type?

**The Honourable Sir Henry Craik:** (a) One-hundred and thirty prosecutions under section 124-A, Indian Penal Code, have been sanctioned since the beginning of the year. Five of the cases were withdrawn on apology. Eighty-eight convictions have been reported. The remaining cases are still pending so far as is known.

(b) Two.

(c) One person has been killed in conflicts between unlawful assemblies and the police. The number of injured is unknown; but in practically all cases the injuries were very slight and only 25 cases are on record. No persons were killed or injured by military forces in the Punjab.

#### WATCH AND WARD IN VILLAGES AND TOWNS.

**\*3054. Rao Bahadur Chaudhri Chhotu Ram:** Will the Honourable Member for Finance kindly state—

- (a) the total number of chaukidars in the province;
- (b) the total amount of money realised in the province for paying the salaries of chaukidars;
- (c) in how many municipal towns in the province the expenses of their watch and ward are being met from provincial revenues;
- (d) what is the total expenditure at present being met from provincial revenues on account of the watch and ward of towns;

[ Rao Bahadur Chaudhri Chhotu Ram. ]

- (e) the amount which each town spent on its ' city police ' at the time when it was relieved of the expenses of its watch and ward ;
- (f) what are the grounds on which villages and towns are differently treated in the matter of their obligation to pay for their own watch and ward ;
- (g) whether any changes in the rules have been made or are contemplated to make the voice of villages effective in all questions relating to the appointment, punishment and dismissal of chaukidars ;
- (h) whether the Government has issued any instructions to Deputy Commissioners or intends doing so now with a view to the reduction of the number of chaukidars as far as possible ?

**The Honourable Sir Henry Craik :** I will endeavour to collect the information asked for but the honourable member will realise that collection will take some time. I cannot undertake that information on all parts of the question is procurable.

**Rao Bahadur Chaudhri Chhotu Ram :** What about (h) ?

**The Honourable Sir Henry Craik :** I do not think any instructions have been issued.

DALHOUSIE MUNICIPALITY, VICE-CHAIRMAN.

**\*3055. Khan Bahadur Sardar Habibullah :** Will the Honourable Minister for Local Self-Government please state—

- (a) if it is a fact that Sub-Divisional Officer, Dalhousie, is an *ex-officio* member of the municipality ;
- (b) that the office of Vice-Chairman in the municipality is an elected one ;
- (c) that at the end of the last summer session, the Sub-Divisional Officer resigned the municipality and the Chaplain of Dalhousie was appointed in his place who was subsequently nominated as Vice-Chairman of the said municipality by the Deputy Commissioner, Gurdaspur ;
- (d) that the said Chaplain failed to take the oath prescribed by the Municipal Act and when asked to do so, he declined that as he himself was an authority for administering oaths, he need hardly go through the unnecessary formality ;
- (e) if so, was the appointment of the Chaplain as member and his nomination as Vice-Chairman constitutionally correct ;
- (f) if not, how were the acts done and meetings held under the presidency of the said Vice-Chairman valid ;
- (g) whether the Minister for Local Self-Government will please lay on the table the acts performed by the said Chaplain in his capacity as Vice-Chairman of the municipality ?

**The Honourable Malik Firoz Khan, Noon :** (a) Yes.

(b) Yes.

(c) The Sub-Divisional Officer, Dalhousie, did not resign but was transferred. His vacant seat was filled up by the appointment of the Chaplain at Dalhousie, who was elected Vice-President of the Committee.

(d) No. No meeting could be held for want of a quorum during the winter months and the Chaplain took the oath in the first meeting held after his nomination to the committee, i.e., on the 1st April 1930.

(e) }  
(f) } Do not arise.

(g) Routine work, duly confirmed subsequently by resolution No. 4, dated the 1st April 1930 a copy of which is attached, was performed by the Chaplain. He also signed letters and cheques.

Copy of resolution No. 4, dated 1st April 1930, of the Municipal Committee, Dalhousie.

Confirmation of sanctions accorded by the Vice-President to :—

- (a) Lala Shiv Ram to lop eleven branches of trees at 'Oakwood Lodge.'
- (b) Postmaster, Dalhousie, to cut one tree in the compound of 'Goodneston.'
- (c) Lala Salig Ram, Khanna, to fell eight trees on the land attached to 'Rockfort.'
- (d) Ghelo of Lohali to have one tree for the marriage ceremony.
- (e) Chamba State, Vakil, to cut four branches of trees at 'Ealington.'
- (f) Shaikh Fazal Din, House Agent, to cut two trees in the compound of 'Portland Hall' and 'Raj Mahal', respectively.
- (g) Secretary, Dalhousie Club, to fell certain branches of trees at 'Masonic Lodge.'
- (h) Sansaro to have one tree for the marriage ceremony.
- (i) Sardar Bishan Singh to fell three small trees in the compound of 'Petersfield Estate.'
- (j) Mr. T. H. Beck to cut three oak and seven rhododendron trees in the compound of 'Wisebeck.'
- (k) Lala Dhanpat Rai to fell 15 trees in the compound of 'Levelace Estate.'
- (l) Officer-in-charge, Chamba Vakil's houses, to lop five branches of trees in the compound of 'Ravi View.'
- (m) Lachman Ram, Fujari, to cut one tree in the compound of Thakardawara.
- (n) Mr. Gilmore T. Carter to fell one tree in the compound of 'Bathri View' for the chankidar of 'Whyligh Estate.'
- (o) Catholic Chaplain to build a retaining wall near the gate of the Catholic Church.
- (p) The Chaplain, Dalhousie, to cut certain branches of trees in the Church compound.
- (q) Lady Superior to level plots of ground and cut trees standing thereon at the Convent.
- (r) Lala Ram Parshad, Khanna, to fell two Oak trees on the land attached to 'Rockfort.'
- (s) Kall Dass to cut three trees in front of his house in Kathlag.
- (t) Harditta Mal-Dasondhi Ram to take one thousand cubic feet stone on payment of Rs. 30.
- (u) Tulsi Ram to have 100 cubic feet sand for Rs. 3.
- (v) Mussammat Sanakho to take 25 cubic feet of mud for Re. 0-12-0.
- (w) Tulsi Ram to take 300 cubic feet stone for Rs. 9.
- (x) Lala Harditta Mal, Dasondhi Ram to take 100 cubic feet sand for Re. 3.
- (y) Lady Superior to have 300 cubic feet sand for Rs. 9.
- (z) Rustam to purchase by auction roots of trees for Rs. 3.

[ The Honourable Malik Firoz Khan, Noon. ]

- (A) M. Muhammad Pathan to have by auction two roots of trees for Rs. 2-8-0.  
 (B) Hira to purchase at auction four stumps of wood for Rs. 7.  
 (C) Badra to purchase by auction one chew stump for Re. 1.  
 (D) Chandhri to purchase trees for Rs. 45.  
 (E) Ram Dass to purchase one tree for Rs. 6-4-0.  
 (F) Gusaon to purchase by auction branches of trees for Re. 0-12-0.  
 (G) Lanke Ram to purchase trees at auction for Rs. 25.  
 (H) Mr. M. Doulea to purchase three wood stumps for Rs. 6.  
 (I) Shera to purchase trees at auction for Rs. 10.  
 (J) Naib-Tahsildar to have one tree for Rs. 5.  
 (K) Karim Din to have small oak poles for Re. 1-12-0 at auction.  
 (L) Ishar Dass to purchase trees by auction for Re. 46.  
 (M) Moula Bux to purchase one tree by auction for Rs. 4-8-0.  
 (N) Rahim Bux to purchase four dry trees at auction for Rs. 15-8-0.  
 (O) Devi Saran to purchase by auction one dry stump of wood for Rs. 4-2-0.  
 (P) Moti to purchase at auction one dry stump for Rs. 4-14-0.  
 (Q) Lala Jagat Ram to purchase by auction two uprooted tosh trees for Rs. 18-8-0.  
 (R) Abdullah to compound offence on payment of Rs. 2.  
 (S) Bhagtu to compound offence on payment of Rs. 2.  
 (T) Mistri Inait Khan to pay Rs. 7 as rent of ice pit.  
 (U) Bhagnoo to proceed on five days' leave from 18th November 1929 to 22nd November 1929.  
 (V) Dharm Singh to proceed on one month's leave from 15th November 1929 to 14th December 1929.  
 (W) B. Buta Ram, Sub-Overseer, to proceed on 10 days' leave from 25th November 1929 to 4th December 1929.  
 (X) Lala Ghaniya Lal, Municipal Secretary, to proceed on leave from 21st January 1930 to 17th February 1930.  
 (Y) Sesh, Forest guard, to proceed on one month's leave from 9th December 1929 to 8th January 1930.  
 (Z) Baghu, Water-works peon, to proceed on one month's leave from 12th January 1930 to 11th February 1930.  
 (1) Golya Forest guard, to proceed on one month's leave from 1st February 1930 to 29th February 1930.  
 (2) Bhannoo, Water works peon, to proceed on one month's leave from 15th February 1930 to 14th March 1930.  
 (3) Harasukh, Daftri, to proceed on one month's leave from 12th February 1930 to 11th March 1930.  
 (4) Abbas Beg, Municipal Clerk, to proceed on 18 days' leave from 18th February 1930 to 7th March 1930.  
 (5) B. Parma Nand, Sanitary Inspector, to proceed on leave from 18th February 1930 to 7th March 1930.  
 (6) Annual increment of Rs. 4 to B. Parma Nand, Sanitary Inspector, from 1st October 1929.  
 (7) Miss. A. Stiffle to carry out certain improvements at Arranmoor.  
 (8) Lala Ram Dass to rebuild a portion of block of out-houses of Grand View Hotel.  
 (9) Lala Ram Dass to cut one undermined tree at Gilsnoak.  
 (10) Secretary, Dalhousie Club, to have 68 poles for tennis courts of club.  
 (11) Manager Brewery to have trees on payment of Rs. 21-12-0.  
 (12) Chetoo to purchase by auction 2 oak poles for Rs. 3-4-0.  
 (13) Lady Superior of Convent to have 100 cubic feet sand for Rs. 3.  
 (14) Lala Mulk Raj to have sand (25 cubic feet) for Re. 0-12-0.  
 (15) Tani to compound offence on payment of Rs. 2.

- (16) Annual increment of Rs. 10 to Lala Ghanniya Lal, Secretary, from 1st April 1930.  
 (17) Annual increment of Rs. 4 to Abbas Beg, Municipal Clerk, from 1st February 1930.  
 (18) Snow cutting Rs. 98-8-0.  
 Bills of medicines for hospital Rs. 441-8-0.  
 Muhammad Din, Rs. 400.  
 Adamji Boodhabhoy Rs. 253-3-0.  
 Muster Rolls for October 1929 ; Rs. 967-7-0, November 1929 Rs. 323-1-0.  
 Imperial Motor Service Rs. 79-1-0.  
 Karim Bux Rs. 57.  
 Confirmed.

ALLEGATIONS AGAINST SHEIKH RAHMAT ELAHI AND RAHIM ILAHI.

\*3056. **Rai Bahadur Lala Mohan Lal :** Will the Honourable Minister for Local Self-Government please state—

- (a) whether it is a fact that Mr. Maqsum Ali Khan, an *ex*-Municipal Commissioner of Rupar, submitted last year an application to the Commissioner, Ambala, for enquiry against Sheikh Rahmat Ilahi and Rahim Ilahi under section 48, Punjab Municipal Act ;
- (b) whether it is a fact that the municipal committee, Rupar, by a resolution appointed Pandit Ganga Ram, Sharma and Lala Nauria Mal to enquire into the allegations made by Mr. Maqsum Ali in the above application.
- (c) whether it is a fact that these allegations were enquired into by the Sub-Divisional Officer, Rupar, also ;
- (d) if the answers to the above questions are in the affirmative, will the Honourable Minister be pleased to lay on the table copies of the following :—
- (i) the copy of the complaint of Mr. Maqsum Ali Khan ;
- (ii) the copy of the enquiry report submitted to the Sub-Divisional Officer, Rupar and by Pandit Ganga Ram, Sharma and Lala Nauria Mal and the copy of the written statement submitted by Sheikh Rahmat Ilahi and Rahim Elahi in answer to the above allegations ;
- (iii) the copies of the various orders of each enquiry officer made from time to time ;
- (iv) the copies of all orders made on this complaint from time to time by the Deputy Commissioner of Ambala from the date of complaint up till now ?

**The Honourable Malik Firoz Khan, Noon :** The information asked for by the honourable member is being collected and will be communicated to him when available.

MUNICIPAL COMMITTEE, RUPAR.

\*3057. **Rai Bahadur Lala Mohan Lal :** (a) Will the Honourable Minister for Local Self-Government be pleased to state if all the Hindu Members of the Municipal Committee, Rupar, submitted a memorial to the



[ Rai Bahadur Lala Mohan Lal. ]

Government of the Punjab against Mr. C. Keelan, Sub-Divisional Officer, Rupar and Mr. E. Sheepshanks, Deputy Commissioner, Ambala, for illegal interference with the affairs of the Municipal Committee, Rupar ?

(b) If the answer is in the affirmative, the following information may be laid on the table :—

- (i) the copy of the memorial ;
- (ii) the copy of the forwarding note by Mr. C. Keelan, Sub-Divisional Officer, Rupar ;
- (iii) the copy of the report by Mr. Sheepshanks, Deputy Commissioner, Ambala.

**The Honourable Malik Firoz Khan, Noon :** (a) No.

(b) Does not arise.

AUDIT OF ACCOUNTS OF PURCHASES MADE FOR MUNICIPAL COMMITTEE, RUPAR.

**\*3058. Rai Bahadur Lala Mohan Lal :** (a) Will the Honourable Minister for Local Self-Government be pleased to state—

whether it is a fact that the Municipal Committee, Rupar, passed a resolution to get audited the accounts of the purchases made for the Committee from the firm of Ahsan Ilahi and other relatives of Sheikh Rahmat Ilahi in the time of the Senior Vice-Presidentship of Sheikh Rahmat Ilahi ?

(b) If the reply is in the affirmative, will the Honourable Minister be pleased to lay on the table the following :—

- (i) the copy of the resolution of the Municipal Committee, Rupar ;
- (ii) the copy of report submitted to the Accountant-General by the Auditor ;
- (iii) the copy of the report of Mr. C. Keelan, Sub-Divisional Officer, Rupar ;
- (iv) the copy of the note or order by Mr. E. Sheepshanks, Deputy Commissioner, Ambala ;
- (v) the copy of the order of the Accountant-General ;
- (vi) the copy of any other report made again by the same Auditor or by any other officer or officers ?

**The Honourable Malik Firoz Khan, Noon :** The information asked for by the honourable member is being collected and will be communicated to him when available.

CENTRAL MODEL SCHOOL, LAHORE.

**\*3059. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that no Muslim has been appointed as Head Master or second master of the Central Model School, Lahore, during the past twenty-five years if so, why ;

- (b) whether it is a fact that the Superintendent of the Boarding House attached to the Central Model School, Lahore, is a Hindu and that during the last ten years no Mussalman has been appointed to this post ; if so, why ;
- (c) whether it is intended to appoint a Muslim to the post of Head Master of the Central Model School which has fallen vacant owing to the retirement of Mr. Smith ;
- (d) whether it is a fact that certain teachers of the Central Model School have not been transferred in spite of the repeated complaints against them ; if so, why ?

**The Honourable Mr. Manohar Lal :** (a) Yes, so far as the appointment of a Head Master is concerned. The post has been held since 1905 mainly by Europeans except for short officiating intervals during leave vacancies. In making appointments to particular posts the claims of various candidates who are regarded suitable are considered and the most suitable candidate is appointed, irrespective of the community to which he belongs.

(b) The reply to the first part of the question is in the affirmative. These appointments are generally made at the instance of the Head Master and it appears that the post has been usually held by a senior member of the staff. It is not possible to examine any further the circumstances which may have led to particular appointments by the authorities of the school.

(c) In view of the reply to part (a) above, this does not arise.

(d) No.

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MR. LAL CHAND, GUPTA, HEAD MASTER, PUBLIC HINDU HIGH SCHOOL,  
RUPAR.

**\*3060. Chaudhri Muhammad Abdul Rahman Khan:** (1) Will the Honourable Minister for Education be pleased to state—

- (a) whether it is a fact that on 19th July 1929, Master Ram Sukh, B.A., complained to the Inspector of Schools, Ambala Division, making certain allegations against Mr. Lal Chand Gupta, Head Master, Public Hindu High School, Rupar ;
- (b) if so, what action has been taken on the report made by the Deputy Inspector of Schools, Ambala Division, who was specially deputed to enquire into and report on the allegations made by Master Ram Sukh ;
- (c) whether the Government is prepared to lay the report of the above mentioned officer on the table ;
- (d) whether it is a fact that in order to obtain a larger amount of grant-in-aid the total amount of salaries drawn by teachers is shown in registers at a higher figure than is actually the case ;
- (e) whether it is a fact that the total amount of fees charged from students is shown in school registers at three-fourths of the actual figures ;

[Chaudhri Muhammad Abdul Rahman Khan.]

(f) whether it is a fact that the said Head Master insulted Sardar Deva Singh, Deputy Inspector of Schools, when he went to make enquiries in regard to the facts mentioned in (d) and (e) ;

(g) whether it is a fact that a number of criminal cases have been instituted from time to time against the said Head Master ;

(h) whether it is a fact that a number of complaints have been made to the Inspector of Schools, Ambala Division, regarding the misconduct of the said Head Master ;

(i) whether it is a fact that the said Head Master instigated his school boys to do certain undesirable things which led Nalagarh State Police to make certain enquiries about him ?

(2) If the answer to (1) above is in the affirmative, what action has been taken or is proposed to be taken against the said Head Master ?

**The Honourable Mr. Manohar Lal :** (1) (a) Yes.

(b) On receipt of the complaint referred to in (a) above the Deputy Inspector of Schools, Ambala Division, was deputed to make enquiries into the allegations made therein and he submitted his report to Government through proper channel in due course. On an examination of the report of the Deputy Inspector it was considered desirable to obtain further information about the affairs of the Public Hindu High School at Rupar, and the Inspector of Schools, Ambala Division, was requested to visit the institution and submit his report on some of the points referred to in the Deputy Inspector's report. On a full consideration of the whole case it was decided that no action was necessary as the reports of the Deputy Inspector and Inspector did not disclose any serious irregularities on the part of the school authorities ; such trivial defects in the maintenance of accounts, etc., as had been pointed out by the inspecting officers had been duly set right.

(c) No.

(d) and (e) Allegations to this effect were contained in the complaint referred to in (a) above, but these were not satisfactorily proved.

(f), (g) and (i) Government have no information, and it is not proposed to make enquiries from the various authorities concerned including an Indian State.

(h) Government has received from time to time complaints making serious allegations against the Head Master of the Public Hindu High School, Rupar, from Master Sukh Ram referred to in (a) above, but in view of the result of the enquiries instituted in respect of Master Sukh Ram's complaint, dated the 19th July 1929, it is not proposed to take any further action in the matter.

(2) The honourable member is referred to the reply given to (h) above.

S. BAHHTAWAR SINGH, HONORARY MAGISTRATE, KATHGARH.

\*3061. **Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Finance Member be pleased to state whether it is a fact that

on 11th December 1929, one Amar Singh, crown witness, in a case pending before Shaikh Alam, Magistrate, 1st Class, Hoshiarpur District, stated that he and Rattan Singh took refuge with S. Bakhtawar Singh, Honorary Magistrate, Kathgarh, thana Billachor, District Hoshiarpur, and that the said Magistrate promised to supply arms to Rattan Singh? If so, what action has been taken against the said Honorary Magistrate? If not, why?

**The Honourable Sir Henry Craik :** Enquiries are being made from local authorities and a reply will be furnished to the honourable member when ready.

MUSSEALMANS IN THE FOREST DEPARTMENT.

\*3062. **Chaudhri Muhammad Abdul Rahman Khan :** (1) Will the Honourable Revenue Member be pleased to state—

- (a) whether his attention has been drawn to an article published in the *Muslim Outlook* of 18th January 1930, complaining against the dearth of Mussalmans in the Forest Department ;
- (b) the proportion of Muslims and non-Muslims, respectively, in the provincial and subordinate services of the Forest Department ;
- (c) whether all the non-Muslim Forest Rangers promoted to the provincial service were senior to Muslim Rangers? If not, what are the reasons for the supersession of Muslim Rangers ;
- (d) whether it is a fact that Muslim Forest Rangers and E. A. Cs. are generally transferred to Bushahr sub-division and that during the last 15 years no Muslim has been transferred to Kulu sub-division ;

(2) If the answer to (1) above be in the affirmative, what action do Government propose to take in the matter?

**The Honourable Captain Sardar Sikandar Hyat Khan :** (a) Yes, on receipt of this question.

|   | <i>Muslims.</i> | <i>Non-Muslims.</i> |
|---|-----------------|---------------------|
| (b) <i>Provincial Forest Service</i> .. | 19.4            | 80.6                |
| <i>Subordinate Forest Service.</i>      |                 |                     |
| Forest Rangers ..                       | 42.8            | 57.7                |
| Deputy Rangers and Foresters ..         | 41.4            | 58.6                |

(c) No. Promotion from the Subordinate to the Provincial Forest Service is made by merit and efficiency and not by seniority.

(d) (i) The answer to the first part of the question is in the negative and to the second part in the affirmative.

(d) (ii) No action is contemplated at present.

PUNITIVE POLICE AT NAWANSHAHR.

\* 063. **Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Finance Member be pleased to state—

- (a) whether it is a fact that a punitive police post has been stationed at Nawanshahr, district Jullundur ;

[ Chaudhri Muhammad Abdul Rahman Khan. ]

(b) if so, why ;

(c) whether there are any persons, who have been exempted from the payment of punitive police tax ?

**The Honourable Sir Henry Craik :** (a) Yes.

(b) As a result of continued lawlessness, culminating in acts of most violence, which included a wanton and savage attack on the police.

(c) Recommendations for exemption have not yet been received.

WATER-LEVEL IN JULLUNDUR AND HOSHIARPUR DISTRICTS.

**\*3064. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Revenue Member be pleased to state—

(a) whether it is a fact that the water-level of the wells in Jullundur and Hoshiarpur districts is steadily going down ;

(b) whether it is a fact that a number of representations on the subject have been made by the public to the officers concerned ;

(c) whether it is a fact that a number of questions have been asked from time to time in the Council on this subject ;

(d) if the answers to (a), (b) and (c) be in the affirmative, what action has been or is proposed to be taken in the matter ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** (a), (b) and (c). Yes.

(d) The honourable member's attention is invited to the reply given to Council question No. 1505<sup>1</sup> at the last Budget Session of the Council. Local officers have been asked to obtain the views of the zamindars on the recommendations made by the officers of the Irrigation Department. The Co-operative and Revenue authorities of the districts concerned have also been asked to impress upon the zamindars the necessity of making high stout "vats" or boundaries between fields in their lands in order to retain a portion of the rain water which at present passes rapidly into the many drainage channels. Arrangements are also being made for carrying out ordinary and geological surveys of the tract. No further action on the report is possible pending the result of these surveys.

MUNSHI ASHAQ HUSAIN AND S. LACHMAN SINGH.

**\*3065. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Local Self-Government be pleased to state—

(a) whether it is a fact that at a meeting of the Jullundur district board held on 22nd May 1930, the cases of M. Ashaq Husain and S. Lachman Singh were put up for the consideration of the board ;

(b) whether it is a fact that the increment of S. Lachman Singh has been stopped for one year, while M. Ashaq Husain has been dismissed from service ;

(c) whether it is a fact that both of these gentlemen were guilty of the same offence ;

(d) if the answers to (a), (b) and (c) be in the affirmative, will Government be pleased to state the reasons for meting out differential treatment to M. Ashaq Husain?

**The Honourable Malik Firoz Khan Noon :** (a) Yes.

(b) Yes.

(c) Munshi Ashaq Husain was proved to be the prime mover in an organised act of insubordination against the Head Master, while Lachman Singh played a subordinate rôle.

(d) Does not arise.

HARI GOPAL OF APRA, TAHSIL PHILLAUR.

**\*3066. Chaudhri Muhammad Abdul Rahman Khan :** Will the Honourable Minister for Local Self-Government be pleased to state whether it is a fact that the District Inspector of Schools, Jullundur, made a report to the District Board that Hari Gopal, teacher, resident of Apra, tahsil Phillaur, was guilty of gross misconduct? If so, what action has been taken against the said teacher?

**The Honourable Malik Firoz Khan Noon :** Yes. The District Inspector of Schools, Jullundur, recommended that Hari Gopal should be dismissed and also debarred from entering service as a teacher anywhere else, but on the recommendation of the Education Sub-Committee he was allowed by the district board of Jullundur to resign his post.

LIFT IRRIGATION SECTION OF THE IRRIGATION DEPARTMENT.

**\*3067. Mian Nurullah :** Will the Honourable Minister for Agriculture be pleased to state—

(a) when was the lift irrigation section started in the Agricultural Department;

(b) what has been the total expenditure on it so far;

(c) what is the total number of persons with their salaries employed in this section;

(d) the names of the schemes of irrigation which have been a practical success under this department?

**The Honourable Sardar Sir Jogendra Singh :** (a) December 1926.

(b) Rs. 86,000 to the end of June, 1930.

(c) A statement is laid on the table.

(d) No scheme of irrigation proposed by the lift irrigation section has as yet been sanctioned by Government.

[ Hon'ble Sardar Sir Jogendra Singh. ]

Statement showing the number of persons with their salaries employed in the left Irrigation Section.

|                           |    |   |
|---------------------------|----|---|
| One Executive Engineer .. | .. | Rs. 725—50—1,625 plus £ 15—25 S. O. P.<br>(in the senior scale of pay for the I. S. E.,<br>—vide Schedule I of Appendix to the<br>Fundamental Rules). |
| One Assistant Engineer .. | .. | Rs. 675—50.   |
| Two Draftsmen ..          | .. | Rs. 250—10—450 each.  |
| Two Draftsmen ..          | .. | Rs. 110 each.   |
| One Surveyor ..           | .. | Rs. 80.   |
| One Surveyor ..           | .. | Rs. 150.  |
| One Clerk ..              | .. | Rs. 100—5—160—8—200.  |
| One Clerk ..              | .. | Rs. 75—5—100—5—125.   |
| Two Tracers ..            | .. | Rs. 35—3—65 each.   |
| Three Chaprasis ..        | .. | Rs. 14 each.  |
| Three Khalasis ..         | .. | Rs. 13 each.  |

#### ZAMINDARS AND INSOLVENCY.

\*3068. **Mian Nurullah** : Will the Honourable Member for Finance be pleased to state—

- (a) how many zamindars in the Lyallpur district have applied for insolvency from 1st July, 1929 to 30th June, 1930 ;
- (b) how do these figures compare with the corresponding figures of the preceding year (July 1928 to June 1929) ?

**The Honourable Sir Henry Craik** : Enquiries are being made from local authorities and a reply will be furnished to the honourable member when ready.

#### CO-OPERATIVE SOCIETIES, LYALLPUR DISTRICT.

\*3069. **Mian Nurullah** : Will the Honourable Minister for Agriculture be pleased to state—

- (a) how many members of co-operative societies in the Lyallpur district were sent to civil jails during the period from 1st July, 1929 to 30th June, 1930 for non-payment of their loans ;
- (b) how many members of co-operative societies have defaulted in that period ;
- (c) what is the number of applications pending for loan with the mortgage banks in the Lyallpur district ?

**The Honourable Sardar Sir Jogendra Singh** : The required information has been called for from the local officers and a reply will be communicated to the honourable member when ready.

#### INDIAN AGRICULTURAL AND VETERINARY SERVICES.

\*3070. **Mian Nurullah** : Will the Honourable Minister for Agriculture be pleased to state—

- (a) whether it is a fact that the Lee Commission abolished the further recruitment to Indian Agricultural Service and Indian Veterinary Service and recommended the organisation of superior provincial or class I provincial service to replace them ;

- (b) if so, when was the recommendation made ;
- (c) whether it is a fact that the Government has been contemplating the formation of these superior services for more than six years and has not so far reached any definite conclusions ;
- (d) whether it is a fact that the delay in the reorganization of these services has caused considerable uncertainty and insecurity among the members of these services ;
- (e) when does the Government propose to put these superior services on a stable and permanent footing ?

**The Honourable Sardar Sir Jogendra Singh :** (a) Yes.

(b) 1923.

(c) The answer to the first part is in the affirmative, and to the second in the negative.

(d) No. There are no services yet.

(e) Immediately.

MAGISTERIAL POWERS TO CANAL OFFICERS.

**\*3071. Mian Nurullah :** Will the Honourable Member for Revenue be pleased to state—

- (a) whether magisterial powers have been withdrawn from canal officers ; if so, when ;
- (b) whether it is a fact that canal offences particularly those involving interference with water supply require an immediate decision if the crops and the aggrieved party are to be saved from ruin ;
- (c) if so, whether Government have provided for a summary procedure for trials under the Northern India Canal and Drainage Act ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** (a) Yes. In 1923.

(b) Not in all cases.

(c) No. Such cases are tried by the Tahsildar or other Civil Magistrate appointed for the purpose by the District Magistrate.

COW SLAUGHTER IN GURGAON DISTRICT.

**\*3072. Lala Jyoti Parshad :** Will the Honourable Finance Member please state—

- (a) whether Government is aware of the order of the Commissioner, Ambala Division, dated 28th May, 1927, in the matter of cow slaughter in village Agaun in the Gurgaon district, in Executive, Miscellaneous Revenue Appeal, Daulat Ram and others vs. Bundi and others of the village Agaun ;
- (b) whether it is a fact that it has been held in that decision that cow slaughter as a matter of custom never took place there ;



[ Lala Jyoti Parshad. ]

- (c) whether it is a fact that in the beginning of this year certain Muslim gentlemen of Gurgaon with *maos* of Agaun several times approached the Deputy Commissioner and Commissioner in deputations to remove the restrictions on cow slaughter in that village ;
- (d) if so, will Government be pleased to lay on the table the correspondence that passed between the Deputy Commissioner and Commissioner on their last petition for the removal of these restrictions ;
- (e) who were the gentlemen of Gurgaon who used to lead these deputations before the Commissioner ;
- (f) what is the position of the Government now in the matter of restriction on cow slaughter in village Agaun ;
- (g) whether the order of the Commissioner, dated 28th May, 1927, is final or open to be revised again and again in future ?

**The Honourable Sir Henry Craik :** The information is being collected and reply will be communicated to the honourable member as soon as it is ready.

SOLITARY CONFINEMENT TO RAMSARAN DAS OF JHARSA.

**\*3073. Lala Jyoti Parshad :** Will the Honourable Finance Member please state—

- (a) if it is a fact that Ramsaran Das of Jharsa in the Gurgaon district, accused in case under section 107, Criminal Procedure Code, was put in solitary cell for 14 days by order of Sub-Jail authorities, dated the 15th April, 1930 ;
- (b) with what offence was he charged ;
- (c) by whom was this punishment given ;
- (d) whether this punishment was ordered without the knowledge and permission of the Superintendent, Sub-Jail, Gurgaon ;
- (e) whether the officer passing the order of infliction was authorised to do so ;
- (f) whether it is a fact that Ramsaran Das, accused, complained to S. Said Zaman Khan on 15th and 16th April in his capacity both as Superintendent, Sub-Jail, and as Court ;
- (g) whether the Inspector-General of Prisons received any complaints from Ramsaran Das ? If so, with what result ?

**The Honourable Sir Henry Craik :** It is regretted that the answer to this question is not yet ready. It will be communicated to the honourable member when ready.

ENQUIRY INTO COW SLAUGHTER CUSTOM IN JHARSA.

**\*3074. Lala Jyoti Parshad :** Will the Honourable Member for Finance be pleased to state—

- (a) at whose instance the enquiry into custom of cow slaughter in Jharsa, District Gurgaon, was set on foot ;

- (b) whether in April 1930, Mr. A. A. Macdonald was appointed Inquiry Officer by Deputy Commissioner or Commissioner ;
- (c) whether any instructions were issued to the Inquiry Officer in regard to the procedure to be followed in the inquiry ;
- (d) whether there are any rules or principles governing the procedure of such enquiries ;
- (e) the date and time from which this inquiry commenced ;
- (f) the date and time when the fact of setting up of this inquiry was notified to the parties ?

**The Honourable Sir Henry Craik :** (a) A dispute having arisen on the subject, the Commissioner directed an enquiry into the existence of the custom.

- (b) Yes.
- (c) No special instructions appear to have been issued.
- (d) No.
- (e) & (f) 17th April, 1930. The time is not known.

COW SLAUGHTER INQUIRY AND ANIMALS SLAUGHTERED AT BAKRID  
IN JHARSA.

**\*3075. Lala Jyoti Parshad :** Will the Honourable Finance Member please state—

- (a) if it is a fact that the reports of the number and kind of animals slaughtered at the time of Bakrid is made to the police by the lambardars and zaildars under orders of Government ;
- (b) whether Government received any such report from Jharsa ;
- (c) whether there is a file kept of such reports ;
- (d) whether these reports were made available to the Inquiry Officer, Mr. A. A. Macdonald, Assistant Commissioner, Gurgaon ?  
If not, why not ;
- (e) under whose custody such papers are kept ?

**The Honourable Sir Henry Craik :** (a) No, there are no such orders of Government. In some places such reports are received by the police.

- (b) No.
- (c) No regular file is kept.
- (d) Only one report of 1929 was available, but it was not called for by the Inquiry Officer, nor was it produced by either party.
- (e) The reports, if any, are kept in the police station or in the office of the Deputy Commissioner, Gurgaon.

COW SLAUGHTER HOUSE AT SATI SAMADH AT JHARSA, AMBALA DIVISION.

**\*3076. Lala Jyoti Parshad :** Will the Honourable Finance Member please state—

- (a) if the Commissioner, Ambala Division, was informed by the Deputy Commissioner, Gurgaon, of the existence of Sati

{ Lala Jyoti Parshad. }

Khouta Samadh of the Hindus in field No. 735 of Jharsa in which cow slaughter house has sanctioned in the beginning of May 1930 ;

- (b) whether it is a fact that pucca Sati Samadh also exists very near to the above field, and both of these are places of worship of Hindu women ?

**The Honourable Sir Henry Craik :** (a) The Commissioner, Ambala, was informed by the Deputy Commissioner that it was alleged that a Samadh existed in field No. 735 of Jharsa and in consequence of that allegation and to avoid all possible doubt cow slaughter was not sanctioned in that field. But the Commissioner subsequently satisfied himself by personal inspection of the spot that the alleged Samadh had been constructed since the field was last ploughed.

(b) There exists a small structure at some distance from field 735, which may be a grave or Samadh, but is never used as a place of worship. As above stated cow slaughter has not been permitted in field No. 735.

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COW SLAUGHTER INQUIRY IN JHARSA.

**\*3077. Lala Jyoti Parshad :** Will the Honourable Finance Member please state—

- (a) whether in Exhibit 10 on the file of enquiry *re* cow slaughter in Jharsa the word *gosht* (meat) has been used ;  
 (b) whether it is a fact that the word *gosht* has been interpreted as beef by the Inquiry Officer in his report ?

**The Honourable Sir Henry Craik :** (a) Yes.

(b) Yes, because the Health Officer's endorsement on this exhibit makes it clear that 'beef' is meant.

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TRANSFER OF NON-MUHAMMADAN OFFICERS FROM GURGAON.

**\*3078. Lala Jyoti Parshad :** Will the Honourable Finance Member please state—

- (a) if it is a fact that a Hindu Magistrate of the 1st Class and Sikh Deputy Superintendent of Police have been removed from Gurgaon since the communal situation arose in Gurgaon in April 1930 ;  
 (b) the exact reasons of their transfer ;  
 (c) whether any report was made against them by the Deputy Commissioner ?

**The Honourable Sir Henry Craik :** (a) Yes.

(b) The transfers were made in the public interest.

(c) Government is not prepared, in the interests of the discipline of the services, to answer questions of this type.

**Dr. Gokul Chand Narang :** Is it a fact that right from the Deputy Commissioner down to the Patwari so far as the village is concerned, all officers are non-Hindus ?

**The Honourable Sir Henry Craik :** I do not know.

**Dr. Gokul Chand Narang :** Is it a fact that when the inquiry with respect to the custom was about to be made the Deputy Commissioner said to some of the pleaders there that the result of the inquiry would be the same as the action he had taken ?

**The Honourable Sir Henry Craik :** Not so far as the Government is aware.

**Dr. Gokul Chand Narang :** Is the Government aware that it is supported by affidavits by more than one person ?

**The Honourable Sir Henry Craik :** No.

TRANSFER OF TWO HINDU SUB-INSPECTORS OF POLICE FROM GURGAON.

**\*3079. Lala Jyoti Parshad :** Will the Honourable Finance Member please state—

(a) whether it is a fact that since 11th May, 1930, the day of the alleged disturbances, two Sub-Inspectors professing Hindu religion have been removed from the headquarters of the Gurgaon district ;

(b) what was the reason of their removal ?

**The Honourable Sir Henry Craik :** (a) Yes.

(b) It is not in the interests of the public or of police discipline to state the reasons for transfer of officers.

UNSTARRED QUESTIONS AND ANSWERS.

GOVERNMENT AND BOARDS SCHOOL, APPOINTMENTS MADE BY RAI SAHIB LALA RATTAN LAL, INSPECTOR OF SCHOOLS, RAWALPINDI.

**1804. Shaikh Abdul Ghani :** Will the Honourable Minister for Education be pleased to state—

(a) since Rai Sahib Lala Rattan Lal came to Rawalpindi as the Inspector of Schools, how many appointments, temporary, officiating and permanent, have been made in Government and Board Schools, whether Anglo-Vernacular or Secondary ;

(b) how many Muslims, Hindus and Sikhs have been given these appointments ?

**The Honourable Mr. Manohar Lal :** I regret the requisite information is not available. It is being collected and will be supplied to the honourable member when ready.

SARDAR BIKRAM SINGH, DISTRICT INSPECTOR OF SCHOOLS, RAWALPINDI.

**1805. Shaikh Abdul Ghani :** Will the Honourable Minister for Education be pleased to state—

(a) since Sardar Bikram Singh has come to Rawalpindi as the District Inspector of Schools, how many appointments he has made and what proportion of these he has given to Muslims, Hindus and Sikhs ;

[Sh. Abdul Ghani.]

- (b) how many headmasters Sardar Bikram Singh has appointed in middle and lower middle schools in Rawalpindi district; what proportion of these were Muslims, Hindus and Sikhs;
- (c) how many candidates for Senior Vernacular and Junior Vernacular he has sent up for training and what proportion of these were Hindus, Muslims and Sikhs?

**The Honourable Mr. Manohar Lal :** The District Inspector makes no appointments. The power of making appointments is with the District Board, the District Inspector only advises the Board. In the circumstances it is not proposed to collect the information.

LALA NAURIA MAL, SHAIKH RAHMAT ILAHI AND MALIK ALLAH BUX.

**1806. Rai Bahadur Lala Mohan Lal :** Will the Honourable Minister for Local Self-Government please state—

- (a) at what period Lala Nauria Mal and Shaikh Rahmat Ilahi have acted as Senior and Junior Vice-Presidents of the Rupar Municipality;
- (b) at what period Malik Allah Bux, Sub-Divisional Officer, Rupar, acted as President of the Municipal Committee, Rupar?

**The Honourable Malik Firoz Khan Noon :** (a) Lala Nauria Mal and Shaikh Rahmat Ilahi were Senior and Junior Vice-Presidents, respectively, of the Municipal Committee of Rupar from the 27th March, 1928 to the 27th March, 1929.

(b) Malik Allah Bux was President of the Municipal Committee of Rupar from the 31st October, 1927 to the 12th March, 1929.

APPLICATION OF MR. MAQSUM ALI KHAN FOR TRANSFER OF ENQUIRY.

**1807. Rai Bahadur Lala Mohan Lal :** Will the Honourable Minister for Local Self-Government be pleased to state whether it is a fact that one Mr. Maqsum Ali Khan applied to the Deputy Commissioner, Ambala, to transfer the enquiry from Mr. C. Keelan, Sub-Divisional Officer, Rupar, the then President of the Municipal Committee, Rupar? If the answer to the question be in the affirmative, will the Honourable Minister please lay on the table a copy of the application of Mr. Maqsum Ali Khan and the copy of the order of the Deputy Commissioner on the said transfer application?

**The Honourable Malik Firoz Khan Noon :** The information asked for by the honourable member is being collected and will be communicated to him when available.

ALLEGATIONS AGAINST SHAIKH RAHMAT ILAHI.

**1808. Rai Bahadur Lala Mohan Lal :** Will the Honourable Minister for Local Self-Government please state if the auditor's report about the allegations made by Mr. Maqsum Ali against Shaikh Rahmat Ilahi was forwarded to Mr. C. Keelan, Sub-Divisional Officer, President, for report by the Deputy Commissioner? If the answer be in the affirmative, will the Honourable

Minister lay on the table a copy of the order of the Deputy Commissioner to Mr. C. Keelan ?

**The Honourable Malik Firoz Khan Noon :** Yes. The report was forwarded to Mr. Keelan as President of the Municipal Committee. A copy of the endorsement of the Deputy Commissioner, Ambala, forwarding the report to the President, Municipal Committee, is attached.

Copy of an order, dated the 25th February, 1930, by E. SHEPHERD, Esq., I. C. S., Deputy Commissioner, Ambala, to the Sub-Divisional Officer, Rupar, forwarding him Auditors' report.

For favour of examination and report.

#### MUNICIPAL HOSPITAL, RUPAR, TRANSFER TO GOVERNMENT.

**1809. Rai Bahadur Lala Mohan Lal :** (i) Will the Honourable Minister for Local Self-Government please state if bye-law No. 28 of the Municipal Committee, Rupar, is as follows :—

“ No motion shall be entertained in regard to a question once disposed of except after lapse of three months from the date of such disposal, or except on the written application of more than two-thirds of the members of the Committee.”

- (a) if it is a fact that the Municipal Committee passed a resolution on 10th August, 1927 that they were not willing to hand over the hospital to the Government in the proposed terms ;
- (b) whether it is a fact that in contravention of bye-law No. 28, a meeting was held within three months, on 4th September, 1927 to cancel the previous resolution and without the written requisition of two-thirds of the members of the committee ;
- (c) whether it is a fact that actual and legal possession has not been given by the Municipal Committee, nor the transfer deed executed in favour of the Government ;
- (d) whether it is a fact that the Municipal Committee, Rupar, passed a resolution on the 1st April, 1930 that the committee was not willing in any case to hand over the hospital to the Government ;
- (e) whether it is also a fact that in the meeting of the 4th September, 1927 six members out of 8 were present, including two nominated members by the Sub-Divisional Officer, Rupar, and Assistant Surgeon ?

(ii) In this connection will the Honourable Minister for Local Self-Government please lay on the table—

- (a) the copies of all the above-mentioned resolutions and the names of the members present in all the meetings ?
- (b) what intention has the Government now about the transfer of the hospital under the above circumstances ?

**The Honourable Malik Firoz Khan Noon :** The required information is being called for. The reply will be communicated to the honourable member when ready.

## DESTRUCTION OF LOCUSTS' EGGS.

**1810. Mr. E. Maya Das :** Will the Honourable Minister for Agriculture please state—

- (a) In what districts of the provinces did locusts lay eggs ;
- (b) how was it that all the eggs could not be destroyed ;
- (c) what districts spent money on egg destruction and to what extent ;
- (d) from what sources was this amount met ?

**The Honourable Sardar Sir Jogendra Singh :** (a) In all districts except Sialkot and Dera Ghazi Khan ;

(b) It was not for want of organization and efforts that all the eggs were not destroyed.

(c) Rs. 1 lakh was allotted to District Boards for the current financial year, but it is not known yet what amounts were spent by each District Board on egg destruction from this grant or from their own resources.

(d) Government grant. From Agricultural and special grants.

## EGGS OF LOCUSTS.

**1811. Mr. E. Maya Das :** Will the Honourable Revenue Member please state—

- (a) whose duty it is to make report and to whom when locusts lay eggs ;
- (b) what punishment is inflicted for failure to make such report ;
- (c) whether there were any cases of failure ; if so, what punishment was inflicted ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** (a) Attention of the honourable member is invited to paragraph 820 of the Punjab Land Administration Manual.

(b) Fine, or suspension from office.

(c) None, so far as Government is aware.

## EGGS OF LOCUSTS.

**1812. Mr. E. Maya Das :** Will the Honourable Revenue Member be pleased to state whether the existing rules make it obligatory on owners of land, in whose limits locusts lay eggs to report the matter to Government ? If not, why not ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** The answer to the first part is in the negative ; such a rule could not be framed under the existing Land Acts.

## LOCUSTS HOPPERS.

**1813. Mr. E. Maya Das :** Will the Honourable Minister for Agriculture please state what means were employed for destruction of locusts hoppers besides burying, crushing and burning, which is all done by hand labour ?

**The Honourable Sardar Sir Jogendra Singh :** The following means have been employed :—

- (a) Digging up and ploughing up eggs, which can then be crushed, burnt, or dried as food for poultry ;
- (b) Driving or enticing hoppers into trenches where they can be buried, burnt, or crushed, or drowned in water containing a film of kerosine oil ;
- (c) Burning hoppers at night while resting with dry grass, or by means of flame guns ;
- (d) Spraying hoppers with phenyle solution, or kerosine oil emulsion or dusting with calcium cyanide ;
- (e) Poisoning hoppers and adults with baits containing lead arsenate, strychnine or sodium fluosilicate ;
- (f) Protection of birds, such as Tiliacs, which feed on locusts.

#### LOCUSTS HOPPERS.

**1814. Mr. E. Maya Das :** Will the Honourable Minister for Agriculture please state whether Government has offered any reward for any device which may destroy locusts hoppers at much less a cost than by burying, crushing and burning, which is all done by hand labour ? If not, why not ?

**The Honourable Sardar Sir Jogendra Singh :** No, because the subject has been handed over to a special locusts bureau of the Imperial Council of Agricultural Research.

#### FEROZEPORE-LAHORE ROAD.

**1815. Mr. E. Maya Das :** Will the Honourable Minister for Agriculture be pleased to state—

- (a) what mile lengths of Ferozepore-Lahore Road are tarred ;
- (b) what mile lengths have not been renewed for 5 years or more ;
- (c) whether metal has been collected for giving new coat to these ?  
If not, why not ?
- (d) what miles near Ganda Singhwala and between Kasur and Lulliani are very rough and when will these be given a new coat ;
- (e) if there are any other miles with rough surface, which are these and when will they be given a new coat ?

**The Honourable Sardar Sir Jogendra Singh :** (a) Miles 1 to 15, 22 to 24, 26, 28 to 35, 42, 44 to 46, 48 to 51.

(b) (i) *Tarred portion*—mile 3.

(ii) *Untarred portion*—miles 37 to 40.

(c) Metal has been collected for mile 37 and for part of mile 38, but, owing to paucity of funds, it is not possible to collect metal during the current financial year for the remaining miles.

(d) Near Ganda Singhwala miles 39 and 40 and between Lulliani and Kasur miles 25 and 27.



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Miles 25 and 27 will be renewed during the current financial year and miles 39 and 40 next year.

(e) Miles 16 to 27 are rough and will be renewed during the current financial year.

#### CONTROL OF MOTOR TRAFFIC.

**1816. Mr. E. Maya Das :** Will the Honourable Member for Revenue be pleased to state whether Government is considering the question of framing regulations for control of motor traffic in District Board limits ; if so, by when a decision is likely to be arrived at ?

**The Honourable Captain Sardar Sikandar Hyat Khan :** No special regulations for the control of motor traffic within District Board limits are under consideration. Revised regulations for the control of motor traffic for the whole province are, however, expected to issue shortly.

#### COMMUNAL REPRESENTATION AMONG OFFICIAL RECEIVERS.

**1817. Pir Akbar Ali :** Will the Honourable the Finance Member kindly lay on the table a statement showing communitywise the number of Official Receivers in the Punjab (in the case of Hindus the figures should be for (i) Banias and (ii) others), qualifications possessed with their legal experience, the number of applications from Muslim lawyers throughout the province for the post of Official Receivers ever since this appointment was introduced in the Punjab ?

**The Honourable Sir Henry Craik :** The information is being collected and will be supplied to the honourable member when ready.

#### COMMISSIONERS FOR LOCAL INVESTIGATIONS IN FERROZEPOR DISTRICT.

**1818. Pir Akbar Ali :** Will the Honourable the Finance Member please lay on the table a list showing the following particulars about the Ferrozepore district—

- (i) name of the Commissioners for local investigation recently appointed ;
- (ii) description of the case or the work given to each ;
- (iii) amount of remuneration ?

**The Honourable Sir Henry Craik :** If the honourable member will state exactly what he means by Commissioners for local investigation an effort will be made to collect the information he requires.

#### COMMUNAL REPRESENTATION IN PROVINCIAL SERVICES.

**1819. Diwan Bahadur Raja Narendra Nath :** Will the Chief Secretary be pleased to state—

- (i) whether the Punjab Government obtained the sanction and approval of the Secretary of State for India to the apportionment of appointments made in Resolution No. 4572-S., dated 3rd of October, 1919 ;

(ii) what proportion, if any, of appointments in various provincial services is reserved for redressing communal inequalities, and what proportion is made strictly on merit ?

**Mr. D. J. Boyd :** (i) No ; such approval was not required.

(ii) (a) No proportion of appointments is reserved for redressing communal inequalities in the services.

(b) In the Executive Branch of the Punjab Civil Service, the rules of recruitment recently issued provide that ordinarily 25 per cent. of the appointments will be filled in order of merit from among candidates successful at a competitive examination. In the Judicial Branch, ordinarily 20 per cent. of the appointments are made regardless of community or class in order of merit from persons successful at the qualifying examination of candidates for the post of Sub-Judge. In other provincial services, there is no competitive examination.

### THE SIKH GURDWARAS (AMENDMENT) BILL.

**Sardar Sahib Sardar Ujjal Singh** (Sikh, Urban) : Sir, I beg to move—

“ That leave be granted to introduce the Sikh Gurdwaras (Amendment) Bill.”

The motion was carried.

**Sardar Sahib Sardar Ujjal Singh :** Sir, I beg to introduce the Sikh Gurdwaras (Amendment) Bill.

**Sardar Sahib Sardar Ujjal Singh :** Sir, I beg to move—

“ That the Sikh Gurdwaras (Amendment) Bill be taken into consideration.”

**Mr. President :** Motion moved is—

“ That the Sikh Gurdwaras (Amendment) Bill be taken into consideration.”

**Lala Mukand Lal Puri** [Lahore City (Non-Muhammadan), Urban] : Sir, I beg to move—

“ That the Bill be circulated for eliciting public opinion thereon.”

If the Bill which Sardar Ujjal Singh has put before the House were a Bill removing any ambiguity or defect or if the amendments he seeks to propose were merely of a formal kind and were not contentious, there would be some justification to ask this Council to consider this Bill on the last day of the session and on the last day on which this Council is sitting. But I beg to submit that this Bill introduces changes of a revolutionary character. It extends the scope of the Gurdwara Act far beyond that intended by the original framers of the Bill. This Bill gives a new definition of the word “ Sikh ” and I have only to refer to the definition which is proposed in the new Bill and the definition which finds a place in the Sikh Gurdwaras Act, 1925, to establish my point. If you look, Sir, at clause 2 of the present Bill, you will find the definition of the word “ Sikh.” It runs :

“ Sikh means a person who professes the Sikh religion or in the case of a deceased person who professed the Sikh religion or was known to be a Sikh during his life time.”

So that, here an attempt is made to extend the definition of a deceased Sikh to include what was not included in the definition of a deceased Sikh given in Section 2 (9) of the Gurdwaras Act. Now under the definition in section 2 (9) of the Gurdwaras Act, “ Sikh ” means a person who professes the Sikh

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religion. In the proposed amendment the definition is that Sikh is 'a person who professes the Sikh religion or was known to be a Sikh during his lifetime.' So that for a Sikh who is deceased it is not necessary that he should profess the Sikh religion, but the mere fact that he was known to be a Sikh would absolve the Gurdwara Parbandhak Committee from proving anything more. Therefore it clearly extends the scope of the Act. As to how far it extends the scope of the Act, whether it is a proper definition at all and whether the words given there are vague or intelligible or would create difficulties for the courts, are matters which would be properly taken at the time when this definition is considered in detail. What I want to submit to the House at this stage, is that this is not a Bill, as is stated in the statement of objects and reasons, which is meant merely to remove ambiguities or to remove defects in procedure. This extension of the definition would enable the Gurdwara Parbandhak Committee to lay claim to properties which are not covered by the old Act. That is a matter which Government should clearly note, that is a matter for which Government cannot shirk its responsibility by alleging that it is a private member's Bill. If you look at section 16 (3) which entitles the Akalis to claim property, you would find that, one of the clauses, i.e., section 16 (2) (ii) says that a gurdwara would be considered as a Sikh gurdwara if the Tribunal finds that the gurdwara was established 'for use by Sikhs.' If you extend the definition of the word "Sikh" you are enabling the Akalis to claim property which could not be claimed under the previous Act.

**Mr. President:** May I ask the honourable member to send me in writing the motion he is moving?

**Lala Mukand Lal Puri:** I have already sent it to the Secretary. The second clause which again introduces changes of a revolutionary character which should not find a place in any decent Bill, is.....

**Mr. President:** Which of the two motions is the honourable member moving (i) that the Bill be referred to a select committee, or (ii) that the Bill be circulated for eliciting public opinion thereon?

**Lala Mukand Lal Puri:** The motion which has been handed over first.

**Mr. President:** Will the honourable member please pass on to me in writing the motion which he is now speaking to?

**Lala Mukand Lal Puri:** I am speaking to the first motion. I have put down two motions. The first is that the Bill be circulated for eliciting public opinion thereon. If that is not accepted, then I want to move my other amendment that the Bill be referred to a select committee. I was pointing out that this amendment is not of a routine or a formal character but of a revolutionary character, as it deals with disputes about property between two communities. Another revolutionary change is in section 11 of the Bill which makes the Bill retrospective. The section runs as follows:—

"Notwithstanding anything contained in the said Act or any decision or order made by a tribunal or the High Court in any case pending at the commencement of this Act, the amendments made in the said Act by Sections 2, 3 and 4 shall be applicable to all claims, petitions and suits in which the recording of evidence has not been concluded before the tribunal at the commencement of this Act."

I submit, there are two parties who have gone into litigation. They have done so before a court which was created by the Gurdwaras Act. The Gurdwara Tribunal has found against the Akalis. The Akalis have gone in appeal to the High Court. Suppose the High Court has after deciding the point in dispute, remanded the case on some trivial point, that evidence was being recorded on that point, this legislation would upset the concurrent decision of the tribunal and the High Court, which has been arrived at, after contest between the parties under the Gurdwaras Act of 1925. I would, therefore, respectfully submit that before the Council proceeds to consider the Bill it should fully realise two facts first that it extends the operation of an Act which was passed in 1925 and that it introduces changes of unusual character.

The second point why I want to insist upon the circulation of this Bill is that it has not been published even in the *Punjab Gazette*, not to say of its publication in any English or vernacular newspaper. It is unfair to the Council to legislate behind the back of the persons whose properties are to be confiscated in this manner. Is it fair, to legislate against persons who have not been given the elementary right of even knowing that a piece of legislation seriously affecting their rights in property is before the Legislative Council of the province? How does my friend justify the consideration of this Bill without its publication in the Gazette or in any paper to bring it to the notice of the persons who are very seriously affected by this legislation? If for no other consideration, for this consideration alone this is not a Bill which should be considered at this stage.

Then, Sir, this piece of legislation—the Gurdwaras Act—has been administered by two Sikh Gurdwara tribunals which are presided over by two High Court Judges assisted by two other persons holding more or less the status of District Judges. Before deciding to amend this Act, is it not up to the Council to ask the Presidents of these tribunals their opinions as to these amendments in the light of their experience? Would this Council be justified in proceeding with this legislation without inviting the opinion of the two Presidents who have had first hand information of the working of this Act and whose judgment, I respectfully submit, are going to be revised? In fact, if I may submit so, the definition of the word "Sikh" is aimed at repealing what Mr. Justice Coldstream held in a case which came up before him.

Therefore I submit that it is not proper that this Council should proceed to deliberate upon this important piece of legislation without formally inviting the opinion of the public and of the experts. There may be some members who may perhaps have been informally consulted. But that will not be a substitute for the considered opinion which ought to be elicited from the judiciary and the other experts. There is the High Court of Judicature at Lahore which has had experience of the working of the Sikh Gurdwaras Act on the appellate side for the last three years. A large number of judgments have been given, a good few of them are published in the official reports. Is it fair, then that a piece of legislation which has to be worked by the High Court should be proceeded with without taking the opinion of that High Court? This Council may or may not agree with

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the High Court. Still, is it fair, is it proper to proceed with the Bill without having the advice of experts? After all, where is the hurry to proceed with the Bill now?

Again, another reason why I move my amendment is, that the persons who are chiefly affected by this Bill have not yet had time to formulate their grievance. In fact, it is the session of this Legislative Council which has allowed the news to escape that the rights and property of individuals are to be jeopardised in this manner. If this session had not been held, most people would not have known of this piece of legislation. That is why, after coming to Simla we find in the *Tribune* a condemnation of this piece of legislation. I venture to place before the House one or two extracts of opinion published in the *Tribune* which represents the views of those persons whom it is going to affect adversely and who unfortunately, it appears are not represented in this Council. This is what appeared in the *Tribune* on July 22:—

“The General Secretary, Udasin Mahamandal wires.—‘The Udasin Mahamandal, Punjab, views with great alarm the Sikh Gurdwaras Amending Bill to be introduced in the Punjab Legislative Council. The Act is already regarded as a piece of extremely unjust legislation because it has already scheduled numerous important *dezas* as Sikh Gurdwaras without providing for a judicial inquiry. The amendments are calculated to easily bring the remaining institutions of the Sadhus into the clutches of the Sikh. The result will be appalling for the Udasin Sadhus particularly. They want the Government not to support it. Otherwise the belief will be confirmed that the Government wants to placate the unruly and turbulent Sikhs at the cost of the peaceful and non-militant Sadhus.’”

Certainly, if these are the feelings held by persons whose property is going to be affected by this piece of legislation, I ask all reasonable Sikhs whether this Bill should not be circulated for opinion.

Again in the *Tribune* of July 23 the following telegram is published from Kankhal:—

“The President of the Udasin District Mandal, Ludhiana, writes:—

‘The Sikh Gurdwaras Act has already ruined the Udasin Sadhus. If the Government accepts the amendments to be presented by some Sikh members in the July session of the Punjab Legislative Council, these Udasin Sadhus who had hopes of some safety will be totally ruined. Unless the Government is bent upon ruining them it should not support the suggested amendments.’”

**The Honourable Sardar Sir Jogendra Singh:** May I know what these Mahamandals are of which the honourable member is talking?

**Lala Mukand Lal Puri:** This ignorance is all the more reason why the Bill should be circulated for eliciting opinion so that the Sikh Minister of Government may be able to know the bodies whose views I have already read out here.

**The Honourable Sardar Sir Jogendra Singh:** Will the honourable member please give some details about them?

**Lala Mukand Lal Puri:** These Mahamandals are registered bodies whose property, as is well known to the Akalis, is jeopardised by the provisions of the Sikh Gurdwaras Act. (*Interruption*). My learned friend, Dr. Narang, informs me that these Mahamandals are to Udasins what the Shromani Gurdwara Parbandhak Committee is to the Akalis. They are representative bodies duly elected and registered by those persons who are opposed to the Akali tenets.

**The Honourable Sardar Sir Jogendra Singh :** May I ask whether they are as representative a body under the Act as the Shromani Gurdwara Parbandhak Committee ?

**Lala Mukand Lal Puri :** I am sorry I have not followed the Honourable Minister.

**The Honourable Sardar Sir Jogendra Singh :** The Shromani Gurdwara Parbandhak Committee is constituted under the Sikh Gurdwaras Act. Are these Mahamandals also constituted on the same basis ? If so, under what Act they are constituted ?

**Lala Mukand Lal Puri :** The Shromani Gurdwara Parbandhak Committee is a committee which carried on intense agitation against Government and it is within my recollection as it should be within the recollection of the Honourable Minister that at one time it was declared an unlawful association. It was as a result of persistent agitation which Government could not withstand that the Sikh Gurdwaras Act was passed and the Shromani Gurdwara Parbandhak Committee now has been constituted under that Act. Unfortunately, these Mahamandals are at present only registered bodies. If they could organise themselves and start as effective an agitation, as the Akalis, there is no doubt that Government will be compelled to pass an Act giving the same recognition to these Udasi Mandals as to the Shromani Gurdwara Parbandhak Committee.

I was pointing out that here was a representative body which is at least entitled to know the details of this complicated legislation extending over 11 clauses and which seriously affects them. If, for some reason, this piece of legislation is not to be permitted to be criticised by the public and by the press, why should the Minister be afraid of the opinions of the Presidents of the Gurdwara Tribunals which have been constituted under the Act itself ? Why is he afraid of inviting the opinion of these experts who are Government servants ? Another reason why I submit it is necessary that the Bill should be circulated for eliciting opinion is, that it is quite possible that experts like the High Court and the Gurdwara Tribunals and other bodies that may be consulted may be able to suggest amendments far better than the amendments that have been suggested by a private member in this Bill, not only on the points touched by this measure, but also on points which require equal consideration on the part of this House.

Now, it is felt that this is a needless and useless waste of public money to have these cases, these small cases decided by the Gurdwara Tribunal. If any amendment is necessary to the Act, one amendment that should be made is that the Gurdwara Tribunals should be abolished and their work should be allowed to be done by the ordinary sub-judges. Now what happens is this. Here is a tribunal consisting of one High Court Judge and two district judges dealing with cases which could be dealt with by a sub-judge of the first class and in most cases by a sub-judge of the second class, if not by sub-judges of lower status. There would be some justification in constituting such tribunals if some finality is attached to their decisions, but under the law the judgment of the tribunal is open to appeal to the High Court and then ultimately to the Privy Council. So, I ask, what justification is there for this waste of public money ? The only argument that can be advanced for the establishment of the tribunal is

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that the cases would be decided more expeditiously. There would be less delay in the disposal of cases.

**Mr. President :** If a Bill to repeal the Sikh Gurdwaras Act were under discussion, the honourable member's speech would be relevant.

**Lala Mukand Lal Puri :** What I am suggesting is this, that the amending Bill which the honourable member has introduced is not a comprehensive one. The real defects of the Act have been left untouched and so, if the Bill is circulated for public opinion that will avoid the waste of time of this Council. I am giving only one illustration. These Gurdwara Tribunals have been in existence for the past four years and for aught we know, they hope to continue till the natural life of the present incumbents. But evidently the Government is not aware of the inconvenience to suitors. Here is a suitor who is involved in a litigation of Rs. 500 with the Shromani Gurdwara Parbandhak Committee in the Karnal district. He has to come all the way to Lahore to contest his case at great expense and inconvenience and besides he has to engage a lawyer in Lahore and also bring witnesses to Lahore.

**The Honourable Sardar Sir Jogendra Singh :** Are all these arguments relevant to the motion before the House?

**Mr. President :** I have already ruled that they are irrelevant, and I ask the honourable member not to persist in irrelevancy.

**Lala Mukand Lal Puri :** I was submitting that this failure on the part of the mover of the Bill to circulate it for public opinion has prevented its being of a comprehensive nature and has prevented the possibility of this Council amending it on the lines on which it should have been amended. For all these reasons I beg to move that the Bill be circulated for eliciting opinion.

**Mr. President :** The honourable member's amendment is incomplete, inasmuch as, it does not specify the date as required by sub-clause (2) (a) of Clause 81, by which public opinion is to be received. The amendment is disallowed.

**Lala Kesho Ram Sekhri :** May I move an amendment that this Bill be circulated for eliciting public opinion.....

**Mr. President :** Order, order. I have already disallowed an identical amendment.

**Dr. Gokal Chand Narang :** It will not be the same amendment. This amendment will give a date.

**Mr. President :** Is any honourable member inclined to pass on to me any motion in writing?

**Lala Kesho Ram Sekhri [Amritsar City (Non-Muhammadan) Urban] :** Sir, I beg to move—

“ That this Bill be circulated for eliciting public opinion thereon by 20th August 1930.”

In bringing this motion before this House, Sir, I would submit that the matter of this Bill is not of such an urgent public importance that it should be discussed on the last day of this session, and in fact when the Council

is on its last legs. I would submit that this Bill is of such a great importance that at least it should have appeared in the Government Gazette. I cannot at least understand the attitude of Government. At least as far as I have been able to understand they are going to support this Bill. They say it is a compromised Bill. This Council has always been accustomed to such compromised legislation.

**Mr. President :** The honourable member is basing his arguments on a certain assumption, of which the Chair and the honourable members of this House have no knowledge.

**Lala Kesho Ram Sekhri :** Is it necessary that every member should have knowledge of any such assumptions ?

**Mr. President :** If the honourable member has got any written information that is another thing, but he cannot base his arguments on verbal statements, which if denied or contradicted by other members might cause unpleasantness.

**Lala Kesho Ram Sekhri :** That is not a controversial statement. No Government member has stood up to contradict it.

**Mr. President :** I think I should not allow any reference to verbal statements which might be contradicted.

**Lala Kesho Ram Sekhri :** Sir, I was submitting that this Bill be circulated for eliciting public opinion. This Act has been in force since 1925. At that time there was a great agitation by the Akalis. The Government and other members of this Council were in a mood to concede as much as they could in order to allay their feelings.

**Sardar Buta Singh :** Is the honourable member discussing the principle underlying the Bill or the Akali agitation ? Akali agitation has nothing to do with this Bill.

**Lala Kesho Ram Sekhri :** Sir, I thought my honourable friend was putting some questions, but he raised a point of order. I think I am entitled to repeat, because the honourable member was not in order when he was pointing all that. That argument will have no force here with this Council, so, I think, I am justified if I repeat what my honourable friend has said.

**Mr. President :** I would request the honourable member to proceed with his speech.

**Lala Kesho Ram Sekhri :** Sir, on a legislation of this nature, it is very necessary that we should have the opinions of those who are responsible for the administration of this Act. It is also necessary that we should have the opinions of the Honourable Judges of the High Court who are dealing with such cases that come before them on the appellate side. I would submit, Sir, that as a practising lawyer I find that there are some errors in certain sections and some of these go beyond the intention of the legislation.

**Sardar Buta Singh :** On a point of order, Sir. The honourable member is discussing the old Act.

**Lala Kesho Ram Sekhri :** Sir, I was going to point out the defects of the Act, the defects that are apparent therein. It is much better that the Act which we should take up must be complete, although this Council has not got the reputation for producing very good Acts.



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Sir, I was going to illustrate a concrete case that there was one man who mortgaged his property. The mortgage-deed was passed against him finally. When the execution was going on, the Gurdwara Parbandhak Committee came in and said that it was Gurdwara property. I would show presently what steps they have taken to deprive the decree-holder in the execution of his decree.

**Mr. President :** Order, order. Under sub-clause (1) of paragraph 81 of the Business Manual, only the principle of the Bill and its general provisions can be discussed at this stage. Its details cannot be discussed further than is necessary to explain its principles. Will the honourable member please observe this rule ?

**Lala Kesho Ram Sekhri :** I was going to submit, Sir, that this legislation which we are going through very hurriedly, when passed, is likely to be misinterpreted, which might not be the intention of this legislation. I was submitting that when that decree was taken out for execution the Gurdwara Parbandhak Committee.....?.....(Interruptions).

**Mr. President :** Which principle of the Bill is the honourable member discussing ?

**Lala Kesho Ram Sekhri :** I am illustrating the after-effect of a hurried legislation.

**Mr. President :** That is not the question before the House. The honourable member should discuss the principle or the defects of this Bill and not the original Gurdwara Act.

**Lala Kesho Ram Sekhri :** Sir, I am now discussing the defects of this hurried legislation. My submission is that this Bill be circulated for eliciting public opinion. I was going to show the blunders that were committed by this House when the Act of 1925 was passed.

**Mr. President :** Order, order. I may inform the honourable member that the expression—

“ The blunders that were committed by this House ”

is unparliamentary. It is a disrespect to the whole House. I would request him to withdraw it.

(Cries of withdraw, withdraw).

**Lala Kesho Ram Sekhri :** I withdraw the expression, Sir. I would now submit that it is very necessary that we should have the opinion of the Honourable Judges and also of those persons whom it concerns. It is therefore not becoming on the part of Government to sponsor this legislation at this stage. After all, the *Udasis* have also a right to live in this province ; their rights have also to be protected. All their rights are legal rights. They are purchasers and have been in possession of the property for years together. By the attempt to define a Sikh in this Bill—a term which is impossible to be defined—these *Udasis* who are in possession of Gurdwaras go away. I therefore expect that no member of this House would support the motion for taking this Bill into consideration. This Bill should not be so hurried through and I hope the whole House will agree with me in thinking that the Bill should be circulated for public opinion.

12 NOON.

**Mr. President :** Original motion moved is

"That the Sikh Gurdwaras (Amendment) Bill be taken into consideration."

to which an amendment is proposed—

"That the Bill be circulated for eliciting public opinion thereon by the 10th August 1930."

**The Honourable Malik Firoz Khan, Noon** (Minister for Local Self-Government): Sir, before the House proceeds with the heated discussion on this motion I feel it my duty to place in possession of the House certain facts in connection with this private Bill brought by an honourable member on the opposite benches.

Sir, the working of the Gurdwaras Act passed in 1925 has shown certain defects in the language of that measure with the result that the Sikh community have at various times brought forward certain complaints before Government that the Bill requires amending in such and such places. Not only were such complaints received but also it was discovered that some of the rulings of the High Court and some of the rulings of the Gurdwara tribunal also led the Government to feel that probably the wording of the present Gurdwaras Act was either not clear or was ambiguous or that it required further explanation. The present Bill that is now before the House has more or less proceeded on this principle that the provisions of the old Act are neither to be extended nor to be restricted. I am glad to say that the honourable mover of this Bill has tried to keep within that principle and his measure as I shall show you, is nothing but an attempt to make clear some of the doubts in the language of the existing Act. (*Honourable members : Question*).

The arguments which have been put forward against the principle of this Bill by honourable member for Amritsar were the ones advanced by the honourable member from Lahore whose speech you were pleased to rule out of order. I need not therefore attempt to reply to an attempted speech on this subject by the honourable member from Amritsar whose motion is under discussion because I have not been able to take down any point which really needs any reply. In trying to submit my remarks I shall confine myself to the observations made by the honourable member from Lahore who moved the original motion which you ruled out of order. As far as I could judge from the speech of the honourable member from Lahore, he raised only two objections against the principles underlying this measure. His first objection was against the draft clause 2 of the Bill which deals with the definition of a Sikh. I will place before the House the reason why this amendment to the Bill is necessary. He was pleased to refer to the provisions of the present Gurdwara Act in which in section 2 (9) the word 'Sikh' is defined. That definition runs thus :

"Sikh means a person who professes the Sikh religion; if any question arises as to whether any person is or is not a Sikh, he shall be deemed respectively to be or not to be a Sikh according as he makes or refuses to make in such manner as the Local Government may prescribe the following declaration :—

'I \_\_\_\_\_ solemnly affirm that I am a Sikh, that I believe in the Gurus Granth Sahib, that I believe in the ten Gurus.'"

I emphasise the words 'the ten Gurus.'

**Dr. Gokul Chand Narang :** On a point of order, Sir. I draw your attention to Article 78, which reads :

"As soon as may be after a Bill has been introduced the Bill unless it has already been published shall be published in the Gazette."

**Mr. President :** Will the honourable member read the next Article ? It says :—

"When a Bill is introduced or on some subsequent occasion the member-in-charge may make one of the following motions in regard to his Bill, namely—

(a) that it be taken into consideration, etc."

Articles 78 and 79—especially the proviso of the latter—read together, make it perfectly clear that the publication of a Bill is not a condition precedent to the consideration of a Bill. I may further inform the House, that the Bill has already gone to the Press and might appear in the Gazette to-day or to-morrow.

**Dr. Gokul Chand Narang :** Till then, let us wait. I would respectfully submit that the language of Article 78 makes it imperative.....

**Mr. President :** I stick to the opinion that Articles 78 and 79 read together make it perfectly clear that publication is not a condition precedent to a motion for the consideration of a Bill. The past practice of the House is to the same effect.

**The Honourable Malik Firoz Khan, Noon :** Sir, I was just reading to the House the definition of the term 'Sikh' in the old Act of 1925. I need not read it once again but I shall say that that section has several defects. One of them is that it gives us a definition of a living Sikh.

**Mr. President :** The honourable member is discussing details.

**The Honourable Malik Firoz Khan Noon :** The honourable member, Lala Mukand Lal, Puri, based his motion I think on two points, one being clause 2 of the Bill in which the word 'Sikh' is being defined. The other objection was against clause 11 of the Bill which gives retrospective effect to the provisions of the Bill. I am trying to meet both the arguments. I was submitting that the definition in the Act was defective and therefore it was found necessary to bring in this amending Bill and that the amending Bill does not go beyond the intentions of the original measure but is only intended to clear any doubts that might be raised by the defective language of the original measure. The defect in the original Act is this, that it gives the definition of a living Sikh and does not define a Sikh who is dead. It lays down that a person can be called a Sikh if he professes the Sikh religion and if he is not there to profess it, that is to say, if he is not alive, he cannot be a Sikh.

**Lala Kesho Ram Sekhri :** Question.

**The Honourable Malik Firoz Khan, Noon :** This thing is quite clear and requires no ruling.

**Lala Kesho Ram Sekhri :** My question is whether any judgment or ruling has been given by the Gurdwara tribunals to this effect that this definition does not apply to those Sikhs who are dead.

**The Honourable Malik Firoz Khan, Noon :** This point was raised in a certain case and the Judges found that there being no definition laid down in the Act for a dead Sikh they should proceed to apply the four tests laid down in this sub-clause in order to find out whether the dead person was a Sikh or not. Now, that led to this difficulty that one of these four declarations that he has to make is that he believes in ten Sikh Gurus. But the gentleman may have been living in the time when the tenth Guru was not born. Sikh religion has gradually developed, it did not come into existence in a day. The ten Gurus lived at various times, therefore, the objection was raised. Nobody can be called a Sikh unless he lived after the tenth Sikh Guru. That was the difficulty underlying this measure. Therefore the House will see that it was this difficulty and defect in the present Act which is being remedied by the new measure. Let us look at the new measure. What does it say? It only says that a Sikh means a person who professes the Sikh religion or in the case of a deceased person who professed the Sikh religion or was known to be a Sikh during his life time and this is what the new Bill lays down. If the honourable member says that the present Act defines a dead Sikh and if the new Bill also tries to make more clear the definition of the dead Sikh why should he object to it? He objects only because the present law makes it doubtful and he does not want the doubt to be cleared up. If the present Bill means what I feel and what he feels, then the new Bill tries to clear the very thing and he should have no objection. Therefore as far as this clause 2 of the Bill is concerned it is absolutely clear, it only tries to introduce a definition for the dead Sikh. Another objection was raised, why should they say "or a man who was known to be a Sikh?" The difficulty is this. The word 'professes' is a very difficult word. It may be argued in the court that a man who died 50 years ago has not been proved to have professed the Sikh religion. Therefore he cannot be called a Sikh. Take the case of Maharaja Ranjit Singh. Now according to the present law it must be proved that he professed the Sikh religion and if it cannot be proved then he is not a Sikh. It is only to remove this defect that the new clause 2 has been introduced. This new amending Bill is not a departure from the principles underlying the old Bill and it only tries to clear up a definition in the old Act. It is not an extension of the principles of the old Act. Now, Sir, I will take the House to the second objection raised by the honourable member from Lahore against clause 11. All that clause 11 provides is that "notwithstanding any thing contained in the said Act or any decision or order made by a tribunal or the High Court in any case pending at the commencement of this Act, amendments made in the said Act by Sections 2, 3 and 4 shall be applicable to all claims, petitions, suits in which the recording of evidence has not been completed." Therefore this clause 11 has also been drafted after careful consideration and the claims of the persons who are advocates of those who might be adversely affected by this measure have also been carefully considered. All that this clause does is this. That if there are any cases in which the recording of evidence has not yet finished then, only in those cases this definition of Sikh will be interpreted according to the new definition. But if there are cases in which litigation has been finally finished then this Bill, this clause 11, does not have any retrospective effect. Therefore it goes without saying that even this clause 11 is fair to everybody because when a case is pending and it has not been decided it should be

[Hon. Malik Firoz Khan Noon.]

open to anybody to come forward and put in different pleas at a late stage. The honourable members must have themselves gone and put in amended pleas and plaints. Sometimes they withdraw their plaints and put in new plaints, of course with the permission of the court. Then, why should you prevent the Sikhs from benefiting from the definition of a Sikh in the cases in which the proceedings have not yet been completed. Therefore you will see that this clause 11 is also fair from everybody's point of view.

**Dr. Gokul Chand Narang :** Is the Honourable Minister going to issue instructions to the High Court and the tribunals that no applications for amendment of pleas and applications for producing further evidence should be rejected? Or that discretion should be exercised only in one way.

**The Honourable Malik Firoz Khan, Noon :** Is that a point of order?

**Lala Kesho Ram Sekhri :** I would like to know whether this would apply to cases which have been remanded by the High Court for further evidence?

**Mr. President :** That is a matter for judicial interpretation.

**Dr. Gokul Chand Narang :** He used it as an argument and he took it for granted that the courts would always exercise their discretion in one way only and I ask him whether he contemplates by some authority which is not vested in him to call upon the courts to exercise their discretion only in one way.

**Mr. President :** It is an important point but such defects can be removed by moving necessary amendments.

**The Honourable Malik Firoz Khan, Noon :** Now, these were the only two objections raised against the principles of the Bill. But there are one or two points which I feel I should bring to the notice of the House. The provisions of the Bill were drafted after the fullest consideration and discussion between the mover of the Bill and certain leading members of the opposite benches.

**Dr. Gokul Chand Narang :** Is it open to the honourable member to refer to private conversations held outside the House?

**The Honourable Malik Firoz Khan, Noon :** I have got everything in writing.

**Dr. Gokul Chand Narang :** Read it out then. But that was also outside the House.

**The Honourable Malik Firoz Khan, Noon :** I will read it out at the proper time. Let me explain to the House what the position is.

**Lala Mukand Lal Puri :** On a point of order, Sir. The Honourable Minister is going to refer to certain communication which passed between him and a certain member sitting on this side of the House. If he is going to do that he should also in fairness say.....

**Mr. President :** Is that a point of order?

**Lala Mukand Lal Puri :** He should not be permitted to do so if he is not prepared to disclose the whole thing.

**The Honourable Malik Firoz Khan, Noon :** You will have the whole truth, and nothing but the whole truth will be placed before the House.

**Dr. Gokul Chand Narang :** So help you God.

**The Honourable Malik Firoz Khan, Noon :** When this Bill was proposed by the honourable mover, I felt it my duty as a Minister in charge to try and bring peace between the two parties.

**Lala Mukand Lal Puri :** There are no two parties.

**The Honourable Sardar Sir Jogendra Singh :** I am glad to hear that.

**The Honourable Malik Firoz Khan, Noon :** An endeavour was made to try and bring a measure which will be acceptable to those who wanted to prompt the measure and which may also be acceptable to those who are likely to oppose the measure.

**Mr. President :** How is that history relevant to the principles of the Bill ?

**The Honourable Malik Firoz Khan, Noon :** It is.

**Mr. President :** What principles of the Bill does this relate to ?

**The Honourable Malik Firoz Khan, Noon :** If you wish me to omit this argument I am willing to do so. I wish to point out that the principle incorporated in clause 2 which is now being objected to has been put there after having been accepted by the members.

**Mr. President :** Their acceptance outside the House does not estop them from going back upon it. I disallow the argument. They might have committed themselves outside the House and also in their speeches in the House, yet, they might vote against it.

**The Honourable Malik Firoz Khan, Noon :** I will leave that point.

**Dr. Gokul Chand Narang :** No impression should be created against any particular person.

**The Honourable Malik Firoz Khan, Noon :** I will discuss only two points more and leave that point out. It is suggested that the Bill be now circulated for eliciting public opinion by the end of August. The result of that will be that under Article 100 of our Manual any Bill which is not finished or passed by the time this Council is dissolved.....

**Mr. President :** The fact that the Council is likely to be dissolved after a month or so, cannot deprive an honourable member of his constitutional right to make a motion which he is entitled to make so long as the Council is in existence.

**The Honourable Malik Firoz Khan, Noon :** What I was going to submit was this, that if this motion for circulation is accepted by this House it means a practical withdrawal of the Bill.

**Mr. President :** The Honourable Minister is probably aware that the present Council is not likely to be dissolved before the end of the next month and that there is ample time to convene another brief session of the Council if His Excellency the Governor pleases to do so.

**Sardar Sahib Sardar Ujjal Singh (Sikh Urban) :** Sir, Two contradictory arguments have been advanced in favour of the motion for circulating the Bill. My honourable friend from Lahore says that this measure is of a revolutionary character and on that account it ought to be circulated for eliciting public opinion. On the other hand, my friend from Amritsar says that the Bill does not go far enough and on that account it ought to be circulated for eliciting public opinion. It is rather difficult to follow the force of these arguments. As a matter of fact this Bill is neither of a revolutionary character nor does it seek to extend the scope of the original Act. The only thing it does is to remove certain ambiguities. Honourable members of this House will concede that the Gurdwara Act of 1925 was a very complicated measure and in the hands of such astute lawyers as Dr. Gokul Chand, Narang, many ingenious and amazing interpretations were bound to be put on words and on certain sections of the Act. One such thing is the definition of 'Sikh' which has been referred to by honourable members. It is curiously interpreted. According to the definition laid down in the Act, only a living Sikh would make a declaration and for want of a test for a deceased Sikh the Judges as well as the advocates have resorted to that definition for application to the deceased Sikh. Now, Sir, in the case of deceased Sikhs it was not possible to call for any declaration and the natural result was that it was left to the advocates to interpret Sikh religion which they could not possibly do or to the Judges who could not define Sikh religion in its true light. As a matter of fact it is an impossible task for anybody to interpret the principles or the doctrines of any religion. If the definition of Hinduism were to be strictly understood, most people or at least those who have been to foreign countries would be ousted from Hinduism.

**Dr. Gokul Chand Narang :** Not at all.

**Sardar Sahib Sardar Ujjal Singh :** The honourable member is quite welcome to his own opinion. Sir, according to the definition applied to the deceased Sikhs, it was not possible even for Maharaja Ranjit Singh or Maharaja Daleep Singh to strictly come under it. If this is to be strictly applied even the Durbar Sahib could not be declared a Sikh Gurdwara. It was these peculiar interpretations which raised a storm of protest from the Sikh community and necessitated an amendment of the original Act. I would not refer to the discussion which the Honourable Minister for Local Self-Government has referred to, but at any rate that discussion shows that this Bill was given sufficient consideration by the leading members of the party who are now opposing this Bill.

**Mr. President :** Will the honourable member please confine his arguments to a discussion of the principles or the general provisions of the Bill?

**Sardar Sahib Sardar Ujjal Singh :** That is an argument in favour of the proposition that the Bill should not be circulated. There was a fair discussion and the Bill represents a compromise measure. It was published

in the *Tribune* of the 16th or 17th instant and it was probably on that account the honourable members got certain representations from the Udasi Mahamandal.

The second argument that was advanced by the honourable member from Lahore was with regard to the retrospective effect and that argument has been met by the Minister for Local Self-Government. The Bill does not seek to give retrospective effect at all to the cases which have been decided by the tribunal or by the High Court. It seeks to apply it only to cases in which evidence has not been completed and to cases which are pending before the tribunal. Such cases are about 70 or 75 in number. In most cases issues have not been framed and only 8 or 4 cases are in an advanced stage. If the Bill does not apply to these cases then they would be deprived of the benefit of this Bill.

Sir, I have to point out that this Bill which I bring forward before the House represents a compromise. The Gurdwara Prabandhak Committee, after having had the experience of the Gurdwara Act for some time, wanted to put forward as many as 46 amendments and those amendments were discussed with the help of the Joint Secretary, Transferred Departments, Nawab Muzaffar Khan, whose assistance and advice was most valuable. (*Hear, hear.*) I want to say that this Bill is not of a revolutionary character. Any amendments that we wanted to bring forward in the way of extending the scope of the Act were not allowed by the Government. As a matter of fact, from the very beginning, Nawab Muzaffar Khan made it clear that the Government would not accept any amendments which sought to extend the scope of the original Act.

**Mr. President :** The Chair is not cognisant of any such arrangement or compromise.

**Dr. Gokul Chand Narang :** Nor does the Chair want to be informed.

**Sardar Sahib Sardar Ujjal Singh :** This Bill is of an urgent nature. Had it not been so, either the Gurdwara Prabandhak Committee or myself would not have been in a hurry to bring this measure forward. As a matter of fact, we have been trying to push this Bill from last year and it was on account of certain discussions and considerations that we postponed it and it is unfortunate that it has been brought forward in this last session of the Council. But it is not our fault. It is due to the fact that we thought that a full consideration on this measure ought to be given by the public and the party concerned before it is introduced in this House. The Bill is therefore not being rushed through. I oppose the motion for circulating the Bill for eliciting public opinion.

**Rai Bahadur Lala Rattan Chand** (Non-official, Nominated) (Urdu) : Sir, if the Bill under consideration is passed into law, certain difficulties will arise in connection with the cases pending before the Gurdwara Tribunal.

**Mr. President :** There is no question yet as to the passage of the Bill and I will not allow any discussion except as to its general principles.

**Rai Bahadur Lala Rattan Chand :** Sir, I wish to lay before the House the relevant facts.



**Mr. President :** Certainly.

**Rai Bahadur Lala Rattan Chand :** Sir, I have risen to support the motion now before the House. There is no harm if some time is allowed to the public at large to consider the *pros* and *cons* of this measure. If that is done, I am sure neither party would stand to lose. It is the clear duty of the legislators to take into consideration the opinions expressed both in favour and against the Bill. If that is not done, the blame shall lay on Government. I, therefore, respectfully request the Government that an opportunity be given to both the parties to consider the Bill under consideration.

**Sardar Harbakhsh Singh** [Hoshiarpur and Kangra (Sikh) Rural] : Sir, it is a well-known fact that the defects of an enactment will not be known unless it has been in the working for some time. As my honourable friend Sardar Sahib Ujjal Singh has already pointed out, the Gurdwara Act has been now in working for some years and the Shromani Gurdwara Prabandhak Committee consequently discovered as many as 46 defects in it for which an amending Bill was sought. But as the honourable mover has already pointed out only certain amendments agreed upon by a conference of both the parties were taken up and others were abandoned to obtain a certain measure of agreement and concord. The Honourable Minister for Local Self-Government has explained about this and I will not repeat what he has said. He has also explained that these are only the defects in the old Act, and it is wrong to style such amendments as revolutionary in character.

**Mr. President :** The honourable member is repeating the arguments advanced by others.

**Sardar Harbakhsh Singh :** No, Sir, But I wanted to add that the real purpose of the other side is of an evasive nature. This Council is now going to sit for the last time to-day or to-morrow and although this motion is that the public opinions should be received before the 20th of August, the life of the Council is only up to the 31st of August and there will be new elections and a new council thereafter, which may meet next year.

**Mr. President :** That point also has been mentioned already.

**Sardar Harbakhsh Singh :** Yet another point which my learned friend took up was that a certain telegram had appeared in the *Tribune* or that they had themselves received some telegraphic messages. It is for the House to consider, Sir, what an Udasi Mahamandal is. Any three or four Udasis carrying "Karmandals" in their hands may collect and please to call themselves a "Mahamandal" and send a telegram of the nature described. We all know from our own personal knowledge that when the amending Bill was prepared these very legal luminaries representing the Udasis at the time of the passing of the old Act met together in a conference now again with the Minister for Local Self-Government and Nawab Sahib, and the representatives of the other party and arrived at certain agreements. Can they yet say that their Udasis did not come to know of these provisions even from them?

**Dr. Gokul Chand Narang :** Nobody represented them. This is a mis-statement.

**Sardar Harbakhsh Singh :** There are written proofs to that effect. But at any rate my real point is this, that the old Act has owing to its defects already done a good deal of harm to the Sikh community. Clause 11 in this Bill, however, gives a retrospective effect only in cases which are pending and in which evidence has not been concluded. All other cases are beyond remedy. If the Bill goes for circulation and is delayed, evidence in a good many cases more will be concluded and decisions will be given by the time the Bill is ultimately passed and there will be no cure for all such cases. This waste of time means that certain important cases now pending will escape the retrospective effect of this Bill. Is it fair on the part of honourable members to raise obstacles and delay the Bill so that it should go for an otherwise purposeless circulation. It will serve no useful purpose at all. It is an evasive proposal and I appeal to the House to reject it.

**Sardar Sahib Sardar Ujjal Singh :** I move —

“That the question be now put.”

The motion was carried.

**Mr. President :** The original motion was—

“That the Sikh Gurdwaras (Amendment) Bill be taken into consideration.”

To this an amendment has been moved—

“That the Bill be circulated for eliciting public opinion thereon by 20th August 1930.”

The question is that that amendment be made.

(After the motion was declared lost Lala Mukand Lal, Puri called for a division).

**Mr. President :** I am afraid the honourable member is too late.

**Lala Mukand Lal Puri :** I might respectfully submit that your orders were not audible in this part of the House.

**Mr. President :** After saying “I think the noes have it” I waited to see if my view was challenged but no one rose to ask for a division.

**Lala Mukand Lal Puri :** May I bring to your notice the fact that your orders were not audible?

**Mr. President :** I am extremely sorry that such a position should have arisen, but I said I think “Noes have it” and then I waited and nobody rose to call for a division, and then I said “Noes have it.”

**Lala Mukand Lal Puri :** Nobody in this part of the House heard it.

**Mr. President :** May I ask Dr. Gokul Chand, Narang if he heard the decision?

**Dr. Gokul Chand Narang :** Sir, I was just asking Raja Narendra Nath.....

**Mr. President :** If the honourable members prefer to talk rather than to hear the decision.....

**Dr. Gokul Chand Narang :** With due deference, Sir, I must say it is not fair. It is not that. After you had said something which was inaudible, I asked my friend whether you said "Ayes have it" or "Noes have it" because I did not hear it. I was going to ask my friend not to ask for a division, but the fact is that we did not hear your decision.

**Pandit Nanak Chand :** I did not hear it either.

**Mr. President :** May I ask the honourable Mr. Sale if he heard the words "Noes have it."?

**Mr. S. L. Sale :** I must admit that I did hear it.

**Chaudhri Zafrulla Khan :** Sir, I was waiting to hear and I did not hear it.

**Sardar Harbakhsh Singh :** We heard it.

**Mr. President :** You might have heard because you are so near.

Does the House desire me to give my decision again or will it take the decision already given as final.

**The Honourable Captain Sardar Sikandar Hyat Khan :** Sir, I simply wanted to point out that this is the first time during the last five years that this point has been raised. As a matter of fact we have always thought that the President's voice was so booming and resonant that it went outside the Council Chamber (*laughter*).

**Mr. President :** If my declaration was not audible and the honourable members of the House wish me to take votes again, I shall gladly do so.

**Lala Mukand Lal Puri :** Please do so, Sir.

**Mr. President :** The original motion was—

"That the Sikh Gurdwaras (Amendment) Bill be taken into consideration."

To this an amendment has been moved—

"That the Bill be circulated for eliciting public opinion thereon by 20th August 1930."

The question is that that amendment be made.

The Council divided : Ayes 15, Noes 33.

AYES 15.

|                                       |                                |
|---------------------------------------|--------------------------------|
| Diwan Bahadur Raja Narendra Nath.     | Rai Bahadur Lala Sewak Ram.    |
| Dr. Gokul Chand, Narang.              | Pandit Nanak Chand.            |
| Chaudhri Ram Singh.                   | Lala Kesho Ram, Sekhri.        |
| Lala Mukand Lal, Puri.                | Lala Gopal Das.                |
| Rao Bahadur Captain Rao Balbir Singh. | Lala Jyoti Parshad.            |
| Rai Bahadur Pandit Daulat Ram, Kalla. | Rai Bahadur Lala Rattan Chand. |
|                                       | Pandit Mehar Chand.            |
|                                       | Lala Chetan Anand.             |
|                                       | Rai Bahadur Lala Dhanpat Rai.  |

## NOES 33.

|   |  |
|---|--|
| Colonel C. A. Gill.                       | The Honourable Captain Sardar            |
| Mr. H. Calvert.                           | Sikandar Hyat Khan.                      |
| Khan Bahadur Nawab Muzaffar Khan.         | Mr. C. M. G. Ogilvie.                    |
| Mr. W. R. Wilson.                         | Mr. D. J. Boyd.                          |
| Mr. C. A. H. Townsend.                    | Mr. S. L. Sale.                          |
| The Honourable Malik Firoz Khan, Noon.    | Rao Bahadur Chaudhri Chhotu Ram.         |
| Mr. R. Sanderson.                         | Chaudhri Duli Chand.                     |
| Mr. W. S. Dorman.                         | Sardar Jawahar Singh, Dhillon.           |
| Mr. M. A. Ghani.                          | Sardar Hari Singh.                       |
| Mr. H. F. Ashton.                         | Sardar Buta Singh.                       |
| The Honourable Mr. Manohar Lal.           | Sardar Partap Singh.                     |
| The Honourable Sardar Sir Jogendra Singh. | Sardar Harbakhsh Singh.                  |
| Mr. Alan Mitchell.                        | Sardar Bahadur Captain Dalpat Singh.     |
| Mr. J. D. Penny.                          | Sardar Sahib Sardar Fateh Singh.         |
| Dr. (Mrs.) M. C. Shave.                   | Sardar Sahib Sardar Ujjal Singh.         |
| The Honourable Sir Henry Craik.           | Sardar Bahadur Sardar Sheo Narain Singh. |
|   | Sardar Bishen Singh.                     |

Sardar Mohinder Singh.

**Mr. President :** The question is—

“ That the Sikh Gurdwaras (Amendment) Bill be taken into consideration.”

1 P. M.

**Dr. Gokul Chand, Narang :** Can we not discuss that motion ?

**Lala Mukand Lal, Puri :** The fact that the motion that the Bill be circulated for eliciting opinion is lost does not preclude our discussing the main motion. Besides I have given notice of another amendment, namely, that the Bill be referred to a select committee.

**Mr. President :** The honourable member cannot be allowed to move or speak on another amendment.

**Lala Mukand Lal Puri :** If that is your ruling, I will not speak on that amendment, but I will speak on the question that the Bill be taken into consideration.

**Mr. President :** The honourable member cannot be allowed to speak on the second amendment, nor can he be allowed to speak to the main question.

**Lala Mukand Lal Puri :** Can I not speak on the original motion ?

**Mr. President :** No. When he spoke on the first amendment he might have spoken to the original motion as well.

**Lala Mukand Lal Puri :** May I submit that when I spoke on the first amendment, that amendment was ruled out of order.

**Mr. President :** The honourable member's amendment was disallowed after he had finished his speech. After an honourable member has moved and spoken on an amendment he cannot be allowed to move another amendment or speak to the original motion.

**Lala Kesho Ram Sekhri :** May I move an amendment, Sir ?

**Mr. President :** The honourable member has not so far passed on to me any amendment in writing.

**Dr. Gokul Chand Narang :** Sir, I beg to move.....

**Mr. President :** I very much doubt whether any other amendment is admissible at this stage. Article 81 (2) runs as follows :—

“At this stage no amendments to the Bill may be moved, but—

- (a) if the member in charge moves that his Bill be taken into consideration, any member may move as an amendment that the Bill be referred to a select committee or be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion ; or
- (b) if the member in charge moves that his Bill be referred to a Select committee, any member may move as an amendment that the Bill be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion.

**Dr. Gokul Chand Narang :** The honourable mover has moved that the Bill be taken into consideration. On that an honourable member moved that it be circulated for eliciting public opinion by a certain date. That amendment was lost. Then, it is open, as I take it, for a member of this House to speak on the mover's motion and while doing so may move an amendment to the effect that the Bill be referred to a select committee.

**Mr. President :** Had that amendment been passed on to me during the last two hours, I would have been only too glad to allow it.

**Dr. Gokul Chand Narang :** Lala Mukand Lal, Puri passed on that amendment to you.

**Mr. President :** Yes, but he did not move it when he was in possession of the House.

**Dr. Gokul Chand Narang :** When a motion is moved immediately after leave is granted to introduce a Bill that it be taken into consideration, is it necessary under the law for a member to pass on an amendment to you before it is moved in the House? The motion is there and it can be sent to you just now.

**Mr. President :** It should have been sent to me at an earlier stage.

**Dr. Gokul Chand Narang :** Under what law?

**Mr. President :** Under Article 81 of the Business Manual and the practice of the House.

**Dr. Gokul Chand Narang :** It does not say that the amendment should be sent to the President in writing. It simply says, “He may move an amendment.” I am therefore perfectly within Article 81, sub-clause (2). There is no rule which says that on such an occasion the amendment should be sent to you in writing.

**Mr. President :** The Standing Order appears to be quite clear. If the honourable member reads it carefully he will see that it makes provision for two alternative motions. Now the question is that if the second alternative motion is moved by an honourable member and is disposed of by the House, can another honourable member move the first alternative motion?

**Dr. Gokul Chand Narang :** My submission is this, that when a Bill is moved for consideration, it is open to every member of the House to move an amendment either that the Bill be referred to a select committee or that it be circulated for eliciting public opinion by a certain date. Supposing one member gets up and says that it should not be referred to a select committee, but should be circulated for eliciting public opinion, and

it is lost, the motion that the Bill be taken into consideration is still before the House. It is not disposed of.

**Mr. President :** Yes.

**Dr. Gokul Chand Narang :** In this House no one is allowed to speak whenever he likes. He can only speak when he is called upon to do so. It is not therefore open to a member to get up and say, 'I want to move an amendment.'

**Mr. President :** The practice has been that when a member desires to move one of the alternative motions mentioned in Article 81, he informs the chair in writing.

**Dr. Gokul Chand Narang :** Where is the law to that effect ?

**Mr. President :** That has been the practice of this House at least for the last four or five years.

**Dr. Gokul Chand Narang :** My submission is that I can quote from the proceedings of this very House cases where amendments have been moved and then you have asked that the amendment be passed on to you in writing for your better understanding of it.

**Mr. President :** There are such instances no doubt, and amendments have been allowed especially on the clauses of a Bill at the last moment.

**Dr. Gokul Chand Narang :** Is this your final ruling that henceforth in a private Bill if a motion is moved, immediately after leave is granted for its introduction, that it be taken into consideration, that no amendment would be considered unless it is sent in writing to you before it is moved ?

**Mr. President :** Perhaps I have not been able to make myself clear. What I mean is this. Under Standing Order No. 81 (2) one of the two courses is open to an honourable member. He may move that the Bill be referred to a select committee or that it be circulated for eliciting public opinion thereon. In the present case, one honourable member adopted the second alternative. The question is whether it is now open to him or any other member to adopt the first alternative. That is one point. The other point is that if an honourable member desired to move the one or the other amendment, whether it was his duty to inform the Chair in writing or verbally at the earliest stage.

**Dr. Gokul Chand Narang :** With great respect I submit that on the face of it it is inconceivable that any member should send up two alternative amendments. He cannot say 'I will move that the Bill be circulated for eliciting public opinion, and if that fails, I should be deemed to have moved the other amendment also, namely that the Bill be referred to a Select Committee.' He can send two independent amendments so that if one fails the other may be considered. The honourable member has sent those amendment as two separate amendments.

**Mr. President :** That is to say he wishes to move the one or the other.

**Dr. Gokul Chand Narang :** No, I do not say one or the other. It is open to him to move the first and drop the second or move the second and drop the first. The question now is whether it is open to Mr. Mukand Lal, Puri, to speak on both the amendments.

**Mr. President :** I do not think he can.

**Dr. Gokul Chand Narang :** One cannot speak in favour of referring a Bill to a select committee and in the same breath ask that the Bill be circulated for eliciting public opinion. That would be in the very nature things impossible.

**Mr. President :** Does the honourable member then mean that after the first amendment of Mr. Mukand Lal, Puri, is lost, he should be allowed to move his second amendment?

**Dr. Gokul Chand Narang :** Why not? They are two independent amendments altogether, one having nothing to do with the other. In fact it would have been absolutely difficult for him to speak on both.

**Mr. President :** According to paragraph 64 of our Business Manual, no member can speak more than once to any motion except by way of reply, etc. The Parliamentary practice, as summed up on page 167 of Campion's book, is as follows :-

"(1) A Member, who has spoken to the main question, may not move or second an amendment, a 'dilatatory' motion, the Previous Question, or an instruction to a Committee, for in doing so he would technically be speaking twice to the main question.

(2) A Member who has moved or seconded an amendment ('dilatatory' motion, etc.) may not, after such amendment (or motion) has been disposed of, speak to the main Question, or move or second another amendment ('dilatatory' motion, etc.)."

But

"(3) A Member, who has spoken to the main question, or moved or seconded an amendment ('dilatatory' motion, etc.), may speak to an amendment ('dilatatory' motion, etc.), subsequently moved by another Member, as in doing so he is speaking to a new question."

**Dr. Gokul Chand Narang :** May I bring another point to your notice? Mr. Puri spoke on a motion which you ruled out of order. Therefore, he must not be considered to have spoken on the first amendment at all.

**Mr. President :** When he moved and spoke to his amendment the main question was before the House and if he preferred to resume his seat without speaking to that question, when he was in possession of the House, he cannot be allowed either to move another amendment or to speak a second time to the main question.

**Dr. Gokul Chand Narang :** I think your ruling with regard to the first part is perfectly correct. But I do hold and I do maintain that it is open to another member to move another amendment.

**Pandit Nanak Chand :** Suppose, for example, a member now moved that the Bill be referred to a select committee. Will you rule it out of order?

**Mr. President :** May I ask the Legal Remembrancer's opinion on the point under discussion?

**The Honourable Captain Sardar Sikandar Hyat Khan :** May I suggest that we adjourn now for Lunch?

The Council accordingly adjourned for lunch.

The Council re-assembled at twenty minutes past two. Mr. President in the Chair.

**Dr. Gokul Chand Narang :** Sir, if it would assist you, I would draw

your attention to a similar case which occurred in the Assembly, and which is reported in the Official Report of the Legislative Assembly, Volume I, No. 38, for the 20th March, 1930. Sir, three alternative amendments were moved by an honourable member of the Legislative Assembly, Mr. Amar Nath, Dutt. In the first amendment he said that for Rs. 1-4-0, the words annas 8 be substituted. In the second he said the words annas 12 be substituted and in the 3rd he said Re. 1 be substituted in place of Rs. 1-4-0. He spoke on his first amendment, namely that annas 8 be substituted in place of Rs. 1-4-0. He sat down, then Mr. Mukhtar Singh rose and then Mr. President intervened; then Mr. Mukhtar Singh and then Mr. President and then Mr. Mukhtar Singh. After the speech of Mr. Mukhtar Singh, Sir Purshotamdas Thakurdass made a speech and then Sir George Schuster made a speech and then Mr. President put the motion and the motion was negatived. Then Mr. Amar Nath Dutt moved his next amendment which was to the effect that in the same clause for the words 'one rupee and four annas' the words 'twelve annas' be substituted. He made a speech on it. His speech was replied to by Sir George Schuster. Sir George Schuster said,—it was interesting. I will read out one sentence. He said :—

"Sir, my honourable friend seems to be carrying out a sort of Dutch auction as regards salt tax, trying to tempt me with various bids, but I am afraid that all I said originally applies to his amendments right down to the scale."

I need not go further. This amendment was put and it was also negatived. Then Mr. Amar Nath Dutt got up again and moved his third amendment and made a speech and he was followed by other speakers. For instance, I find Haji Abdoola Haroon also made a speech and then Sir George Schuster made a third speech on the third amendment of Mr. Amar Nath Dutt. The third amendment was put and the House divided on that. We are not concerned with the result, but these are the facts as I gather from pages 2047 to 2052 of the said volume. This would show that when a gentleman sends up two amendments, mutually destructive of each other and one of them would exclude the other, it is impossible for him to discuss both because both cannot simultaneously be before the House, and you would at once rule out the speaker if he made an attempt to place two motions in the alternative which may at the same time be before the House. It was therefore, impossible and it would have been impossible and irregular on the part of Mr. Puri, to have spoken on both the motions at the same time. Once he speaks you would declare at the end of his speech that his motion was irregular. And even if we assume that that motion was irregular and his speech cannot be treated as having been made, it simply means that he spoke on one of the two amendments that he sent up and following the precedents, which I have just quoted, after his first amendment was negatived, it was open to him to get up and move the second amendment which he had already sent up. I would therefore submit, that the opinion that you were pleased to express, and if it had not been a ruling, deserves reconsideration. It is a matter of some constitutional importance and I hope that in the light of the precedents that I have quoted you would please reconsider it and would permit Mr. Puri to move his second amendment.

**Mr. President :** It is quite clear from the extracts read by the learned Doctor that the question : Whether the same honourable member could move several alternative amendments to the same motion and speak to



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those amendments turn by turn was neither raised nor decided by the President of the Assembly.

According to the rules of Parliamentary practice, already quoted from Compton's book, such a procedure is unwarranted. I, therefore, hold that once a member has spoken either to the main question or moved an amendment and resumed his seat, he cannot speak again to the main question or move another amendment; but he can speak to an amendment moved by another member to the same question, in as much as, in doing so he would be speaking to a new question.

When the question is proposed on an amendment, debate should strictly be relevant to that amendment and not refer to other amendments. But if the several amendments raise different aspects of the question raised by the amendment, actually under consideration, the Chair may allow debate to range over all those amendments on the understanding that when those later amendments are called they will be divided, if desired, but not discussed. This wholesome Parliamentary practice has been followed by this House in the past and there is no reason why it should be departed from in future.

In the case now before the House, three alternative amendments can be made under Articles 79 and 81, but I do not think it is permissible for any one member to move more than one amendment.

**Dr. Gokul Chand Narang:** The rule which you have been pleased to read out, Sir, applies to proceedings in committee as you must have noticed.

**Mr. President:** That is the procedure of the Committee of the whole House and it is that procedure which has been generally adopted by this Council.

There is another point of some importance which may be decided, if possible.

Article 79 is as follows:—

"When a Bill is introduced or on some subsequent occasion, the member in-charge may make one of the following motions in regard to his Bill, namely:—

- (a) that it be taken into consideration by the Council either at once or at some future day to be then specified; or
- (b) that it be referred to a Select Committee composed of such members of the Council as he may name in his motion; or
- (c) that it be circulated for the purpose of eliciting opinion thereon.

It would appear that these three motions, *viz.*, (1) that the Bill be taken into consideration, (2) that the Bill be referred to a Select Committee, or (3) that the Bill be circulated for eliciting public opinion thereon, are stated in a special order. The narrowest motion is put first, the wider motion comes next, and the last in order is the widest motion. The same order is adhered to in Article 81(2). This point is very significant.

Article 81 (2) is as follows:—

(2) At this stage no amendments to the Bill may be moved, but—

- (a) if the member in charge moves that his Bill be taken into consideration, any member may move as an amendment that the Bill

be referred to a Select Committee or be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion ; or

- (b) if the member in charge moves that his Bill be referred to a Select Committee, any member may move as an amendment that the Bill be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion.

On reading Articles 79 and 81 (2) together, I am inclined to infer that if the mover of a Bill moves the widest motion, *viz.*, that the Bill be circulated for eliciting public opinion thereon, no other member can move one of the two narrower motions after the widest motion is discussed and voted upon by the House. That is to say, (i) the motion to refer the Bill to the Select Committee, or (ii) to take the Bill into consideration cannot be moved by any member after the mover of the Bill has moved the motion that the Bill be circulated for eliciting public opinion thereon. This leads me to infer that if a member, other than the mover of a Bill, moves the widest motion, no other member can move the narrower motion that the Bill be referred to a Select Committee, after the wider motion is disposed of by the House.

**Dr. Gokul Chand Narang :** But *prima facie* you will see, Sir, that when a wider motion is defeated, the scope for a narrower motion is not lost. For instance, if I move for the omission of a clause and that is defeated it does not mean that I cannot move that certain words out of that clause may be deleted.

**Mr. President :** A motion for the omission of a clause is not an amendment. It is a negation of the clause and will not be allowed as an amendment and if the House decides not to omit a clause an amendment to omit some of its words shall be out of order. Therefore, the hypothetical case stated by the learned Doctor cannot arise.

**Dr. Gokul Chand Narang :** Should I take it that you said that under the Parliamentary practice it is the wider motions that are taken up first ?

**Mr. President :** I said nothing of the kind. We have got our own rules of procedure and I must follow them so far as they go, but if they are silent on any point and the Parliamentary practice on that point is not inconsistent with them, I shall follow that practice. I have invariably done so in the past and intend to do so in the future.

**Lala Kesho Ram Sekhri :** Suppose for argument's sake that this amendment of mine is carried. Will not the House be in order to move that this Bill be referred to a select committee ?

**Mr. President :** That is the point under discussion.

**Lala Kesho Ram Sekhri :** If the public opinion is elicited, will not the House be in order to refer it to a select committee ?

**Mr. President :** Certainly. This is expressly provided by article 87.

**Lala Kesho Ram, Sekhri :** I submit that the order is not that we should go on with the narrower motion first and the wider motion later.

**Mr. President :** If the honourable member reads Articles 79, 81 (2) and 87 together, he might agree with me that the order of motions goes

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from the narrower to the wider. The Legal Remembrancer is of the same opinion.

**Dr. Gokul Chand Narang :** With due respect to your learning and to the Honourable the Legal Remembrancer, there is nothing in Articles 79 and 81 about the narrower or the wider motion. You will see, Sir, Article 79 says that when a Bill is introduced or on some subsequent occasion the member in charge may make one of the motions in regard to the Bill. The option is given to the member in charge to make either of these three motions, namely (1) that it be taken into consideration by the Council either at once or at some future date to be specified, (2) that it be referred to a select committee composed of such members, (3) that it be circulated for the purpose of eliciting public opinion thereon. You will see not a single word has been said about the scope being wider or narrower. Would you interpret them because they appear as (a), (b) and (c) ?

**Mr. President :** The motion to take the Bill into consideration is much more restricted in its scope than the motion that the Bill be referred to a select committee and the latter motion is much narrower than the motion that the Bill be circulated for eliciting public opinion thereon. If the mover of a Bill moves the widest motion that the Bill be circulated for eliciting public opinion thereon and the motion is either carried or negatived, our rules do not provide that another member may move thereafter that the Bill be referred to a select committee.

**Pandit Nanak Chand :** The choice is given to the mover to choose one of the three motions. But with regard to the amendments even if you take them in the order in which they are stated, and that the amendment of Mr. Puri that it should be referred to a select committee is wider according to your ruling then I submit that it would be in order, and I think if two motions were given to you, it would be your duty to move the narrower motion first.

**Mr. President :** Right, but the honourable member, Mr. Puri, preferred to move the wider motion. It was open to him, no doubt, to move the narrower motion, but he did not do so.

**The Honourable Mr. Manohar Lal (Minister for Education) :** Sir, it is perfectly clear that the member in charge of a Bill might make any one of the three motions which are definitely specified in Article 79. Once he makes one of these three motions certain rights of moving dilatory amendments arise under Article 81 to members of the House. If the member in charge makes the motion that the Bill be taken into consideration, then any one who wishes to delay the consideration of the Bill, who wants to make a dilatory motion can either take his stand, as he feels his strength, on moving that the matter be preferred to a select committee or that the matter be circulated for the purpose of eliciting public opinion, and I will come back to this in a minute. It is also perfectly clear, under Article 81 (b), as you have been pleased to observe, that if the member in charge has no higher ambition than to move that the Bill be referred to a select committee then the only dilatory motion that remains available to the members of the House can be that the Bill be circulated for the particular purpose of eliciting public opinion. That is the whole force of Article 81 (b). It has no further virtue. Whether we are confronted with the member in charge going

the whole length of asking the House to take the Bill into consideration there and then, when the people who want to delay, we are not here concerned with the rights or wrongs of the matter, and who want to delay the consideration of the thing, the thing that will satisfy them most what they really wish is, that the thing should be delayed the most. Let the Bill go out and be circulated so that public opinion may be elicited thereon and thereafter, if they so chose, they can once again move that the Bill be referred to the select committee. If they fail in this endeavour of theirs to secure the concurrence of the House in the matter of having the Bill circulated for purposes of eliciting public opinion a course still remains open to them and that is the course to which they would resort only after the bigger dilatory motion has not been a success. That is the next motion to which they will come, and that is that the Bill be referred to a select committee. I said a little while ago that the order which is set down in (b) has nothing whatever to do with the selection of these two dilatory motions under Article 81 (a) and logic is entirely clear on that head. The whole object of Article 81 (a) is to afford certain facilities to members of the House who wish to move a dilatory motion and therefore it cannot be said that you must chose a motion that it be referred to a select committee earlier than you take up the other motion that it be circulated for purposes of eliciting public opinion. And the matter becomes perfectly clear in logic. What is necessarily a point of procedure and a direction of procedure when you are taking a positive course is prescribed under (b). But it is entirely the other way when you are taking the negative course; and determining according to members seeking to delay what is the proper procedure in selecting the order of their dilatory motions. Now, Sir, I am not saying anything one way or the other whether Mr. Mukand Lal is right having failed because of a technical flaw in his motion, or Lala Kesho Ram is entitled having failed because the House would not concur with him in the matter of the dilatory motion, but it seems to me that unless the rules of procedure of this House clearly lay down by written notice or otherwise that the President should be apprised in writing at the beginning of the intended motions, it should be open even under the strictest parliamentary procedure to any member who has not hitherto spoken to address you on the question and to move the other dilatory motion that the matter be now referred to the select committee.

**Dr. Gokul Chand Narang :** I want to draw your attention to a passage which I remembered having come across during the lunch interval. At page 242 of the same

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book as you have got before you, the subject of precedence among amendments is dealt with and there reference is made to certain resolutions of the House, of course the House of Commons, of 1858 and 1868 which lay general rules for the precedence of amendments. Their effect is briefly, according to clause 3, this: When several amendments are moved to the same figure, priority is given to the amendment proposing the greatest reduction, then to that proposing to the next greatest reduction and so on. Now, I submit, this also appeals to common-sense. Here is a measure and we say, let us consult 500 people. The House says, no we will not do it and delay it for such a long time. Then we say, all right let us consult 5 people and those, not people from outside this House, but 5 from the very people who belong

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to this House. If you cannot delay it so long, let us delay a bit, for a much smaller period. That appeals to commonsense. I go to a gentleman and say, I am a poor man, give me Rs. 10. If he cannot, I will ask for Rs. 5 or at least a dinner. So that, in the ordinary course of affairs and in consonance with commonsense, the widest motion comes first and then in the reverse order until we come to the narrowest.

**The Honourable Malik Firoz Khan Noon :** Sir, I feel that we have into this difficulty because, in my humble opinion, we are not following the procedure laid down by rules for the conduct of the business of this House (*Hear, hear*). I will draw your attention to rule 81 that you have just read out. It says:—

At this stage no amendments to the Bill may be moved, but—

(a) if the member in charge moves that his Bill be taken into consideration, any member may move as an amendment that the Bill be referred to a Select Committee."

Therefore, Sir, the only motion that is open to a member is an amendment to his motion. And as regards the procedure for amendments to these Bills, I will draw your attention to article 89, which says:—

"If notice of a proposed amendment has not been given two clear days before the day on which the consideration of the clause to which the amendment is proposed is commenced, any member may object to the moving of the amendment."

(*Honourable members :* "Clause") I will come to that. Please listen. If you cannot follow my argument, it is not my fault.

What I submit is that the ordinary procedure for the amendments on a Bill is laid down in clause 89. Now, this motion as laid down in 81 (a) is a motion which could not be contemplated as an amendment to a clause of the Bill. Therefore, this clause 81 (a) lays down that this object can only be achieved by a motion which this clause calls an amendment. It says:—

"If the member in charge moves that his Bill be taken into consideration, any member may move as an amendment that the Bill be referred to a Select Committee."

So this motion at once adopts the position and capacity of an ordinary amendment to a Bill and so far as that is concerned it should be covered by the rule of notice which I have pointed and I will give the reasons for that. The motion to have the Bill referred to a select committee or to have it referred for the purpose of eliciting public opinion is a very important motion and it is necessary to have two clear days' notice of the proposed motion, so that the member in charge may be prepared to meet it and so that also the honourable members of this House may have notice of that amendment and be prepared on the subject and not have the motion suddenly thrust upon them. Therefore I hope that you will hold that in the future if any motion of this nature has been brought in this House, there must be two clear days' notice. If that procedure is adopted, there will be no trouble in future, because when motions are given notice of, the President will arrange them in the order of their merit as to which one should be taken first, which next and so on. If the procedure which I suggest is adopted, no difficulty will arise in future.

**Mr. President :** Which procedure ?

**The Honourable Malik Firoz Khan Noon :** Two days' notice.

**Dr. Gokul Chand Narang :** I am reminded of a well known phrase but I will not quote it. It relates to Angels. But surely the House is grateful to the Honourable Minister for the very lucid exposition. His wish is actually father to the thought. What he wants is that such troubles should not arise in future. It is a very noble wish. What he is suggesting is actually an amendment of the standing orders and of the rules framed thereunder. So far as the interpretation that he places upon Article 81 (a) is concerned, with the greatest respect to him, it cannot bear one moment's examination. He forgets that the occasion for moving such amendments arises only when a certain motion has been made by the mover of a Bill and it is then and then alone that one of the two amendments suggested in the provision can be made. No question of three days' notice or two days' notice can arise in connection with such an amendment. If, of course, he wants, in future that no such troubles should arise and these legal discussions should not cause a waste of the time of the Council, it is open to him to have the standing orders amended. But he has made no contribution to the subject now before the House.

**Pandit Nanak Chand :** The rule that governs the present procedure is Article 81. It has already been quoted, but I will, with your permission, read it once more :—

“ At this stage no amendments to the Bill may be moved, but—

(a) If the member in charge moves that his Bill be taken into consideration, any member may move as an amendment that the Bill be referred to a select committee or be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion.”

Now, Sir, regarding the rule that the narrower motion should be taken first and the wider motion afterwards, let us assume that Mr. Puri was called upon to move what is called a narrower motion, namely that the Bill be referred to a select committee and the House passed that. Then, where is the occasion to move a wider motion? Again, Sir, sub-section 3 of Article 81 says :—

“ Where a motion that a Bill be circulated for the purpose of eliciting opinion thereon is carried, and the Bill is circulated in accordance with that direction and opinions are received thereon, the member in charge, if he wishes to proceed with his Bill thereafter, must move that the Bill be referred to a Select Committee, unless the President, in the exercise of his power to suspend this article allows a motion to be made that the Bill be taken into consideration.”

It follows naturally that the wider motion should be considered first and not the narrower, because the moment the narrower motion is passed, the wider motion cannot be moved. Therefore, it is abundantly clear by reading these clauses that the wider motion should come first and the narrower motion afterwards.

**Mr. President :** The argument that when several amendments are moved to the same figure, priority is given to the amendment proposing the greatest reduction, then to that proposing the next greatest, and so on, has behind it the sanction of rules, practice and commonsense; while the decision of the point now under discussion depends upon the interpretation of Articles 79, 81 and 87. As already explained the question is whether, after the mover of a Bill has moved the motion that it be circulated for eliciting public opinion thereon and the motion is either carried or defeated, it is open to a member of this House to move that the Bill be referred to a select committee. If the answer to this

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question is in the negative, how can it be contended reasonably that after the same motion is moved by a member other than the mover of the Bill and is disposed of by the House, any other member can move that the Bill be referred to a select committee?

I am inclined to think that after a wider amendment has been moved and disposed of, the narrower amendment should not be allowed.

**Dr. Gokul Chand Narang :** The analogy that you have been pleased to quote, with due deference I would state, does not apply in the present case. When a mover of a Bill comes before the House he comes with a proposition which may or may not be acceptable to the House. When he himself says that the Bill be circulated for eliciting public opinion thereon, *prima facie* in the eyes of the House that would be the most prudent course and therefore the House would not suggest a less prudent course.

**Mr. President :** Suppose that in the opinion of the mover of a Bill, its immediate consideration is undesirable and that he would have it put off, say for a year. Article 79 (c) expressly permits him to move that the Bill be circulated for eliciting public opinion thereon and if this motion is made and carried or negatived, will it be open to any other member to rise and move that the Bill be referred to a select committee? I am inclined to think that the reply to this question should be in the negative.

**Dr. Gokul Chand Narang :** Sir, you are really assuming two things, one that it is as a matter of fact illegal and would be irregular for a House to move that the Bill may be referred to a select committee when the mover of a Bill himself says it may be circulated for eliciting public opinion. That position is not clear simply because there is no provision here in express words to the effect that even if the mover of a Bill says that the Bill may be circulated for eliciting public opinion, the House may still move that the Bill may be referred to a select committee. From this it does not follow that such a procedure would be irregular. These rules follow a common-sense rule and are a natural course of procedure. When a mover of a Bill comes before the House, if I may use an analogy, he comes in the position of a suitor, of an applicant, an appellant, a person who comes with a request and he says I want this Bill to be passed, you may consider it and pass it and I give you my reasons for it. When he is himself so diffident as not to ask the House to proceed at once to consider the Bill or even to refer it to a select committee but he is diffident to such an extent that he himself asks that his Bill may be circulated for eliciting public opinion, naturally the House would not say we are more sure of the soundness and the validity of the Bill than you yourself are. That would be perfectly unnatural and against the ordinary course of procedure in the world. It is he who is *prima facie* the person who is in charge of the Bill and who is presumed to understand the Bill better than any other member of the House before which he comes, and therefore when he himself does not want the House to refer it to the select committee, the House would not say, "You say that the Bill be circulated for eliciting public opinion but we are more convinced of the soundness of the Bill than you yourself are and therefore it is not necessary to refer it to the public, but we will only refer it to a limited circle of advisers, namely a select committee constituted by a number



of members of the House". That procedure can never be thought of, and therefore this procedure which would seem to be absolutely unheard of could not be laid down in the rules. This analogy does not apply. When a private member moves one motion, he says already this has been defeated, let us have the opinion of five men, and there is no reason why it should be held out of order simply because the scope of this amendment is narrower in the sense that he wants it to be referred to a smaller number of people, but otherwise is there anything in these amendments themselves that one is wider and the other is narrower?

**Mr. President :** If the mover of the Bill moves that the Bill be circulated for public opinion and the Council turns down that motion, what will be the fate of the Bill?

**Dr. Gokul Chand Narang :** It vanishes, it evaporates, it ceases to exist.

**Mr. President :** Then, I think you are supporting the view that a narrower motion cannot be made after the wider one has been disposed of.

**Dr. Gokul Chand Narang :** Unless some one from the House says we need not waste so much time of the House, and we will refer the Bill to a select committee.

**Mr. President :** Then the honourable member appears to be of the opinion that after a motion to circulate the Bill to elicit public opinion thereon is defeated.....

**Dr. Gokul Chand Narang :** And no other motion is brought forward, then the Bill evaporates. But it is open to the House to say.....

**Mr. President :** There I differ.

**Dr. Gokul Chand Narang :** Because the House says, do not be so diffident, your Bill is quite good. I have studied it very thoroughly. It is quite good and it will be passed. Let us refer it to a select committee. Then a member gets up and makes this motion and convinces the House that it is not necessary to refer it to a select committee.

**Mr. President :** On the other hand, if the mover of a Bill wishes that the Bill be circulated for eliciting public opinion thereon and moves a motion to that effect under Article 79 (c), can any other member of the House move the counter motion that the Bill be referred to a select committee? Under our rules, as they stand, no such counter motion appears to be permissible.

**Dr. Gokul Chand Narang :** Certainly, where is the law to prevent it? I would go further and say, supposing the motion for circulation is defeated, it is open to the House to say that the Bill should be referred to a select committee.

**Mr. President :** The point is not quite free from doubt.

**Dr. Gokul Chand Narang :** And the benefit of the doubt should go to me.

**Mr. President :** As the honourable member claims the benefit of the doubt, and as the point is not entirely free from doubt, I give him the benefit of the doubt, subject to a considered ruling been given hereafter.



**Dr. Gokul Chand Narang :** I am much obliged to you.

**Mr. President :** The honourable member can now move his amendment.

**Dr. Gokul Chand Narang :** Sir, I beg to move—

“That the Sikh Gurdawaras (Amendment) Bill be referred to a select committee consisting of the following :—

Sardar Sahib Sardar Ujjal Singh,  
Sardar Buta Singh,  
Mr. Labh Singh,  
Lala Mukand Lal Puri,  
Lala Kesho Ram Sekhri,  
Dr. Gokul Chand Narang,  
Mr. S. L. Sale, and  
The Honourable Malik Firoz Khan Noon.

**Mr. President :** The original motion was—

“That the Sikh Gurdawaras (Amendment) Bill be taken into consideration.”

since which an amendment has been moved—

“That the Bill be referred to a select committee consisting of the following :—

Sardar Sahib Sardar Ujjal Singh,  
Sardar Buta Singh,  
Mr. Labh Singh,  
Lala Mukand Lal Puri,  
Lala Kesho Ram Sekhri,  
Dr. Gokul Chand Narang,  
Mr. S. L. Sale, and  
The Honourable Malik Firoz Khan Noon.

The question is that that amendment be adopted.

The motion was lost.

**Mr. President :** The question is—

“That the Sikh Gurdawaras (Amendment) Bill be taken into consideration.”

The motion was carried.

**Mr. President :** The Council will now proceed to consider the Bill clause by clause. The question is—

“That sub-clause (2) of clause 1 stand part of the Bill.”

The motion was carried.

*Clause 2.*

**Dr. Gokul Chand Narang (North-West Towns, Non-Muhammadan, Urban) :** Sir, I beg to move—

“That in paragraph 2 of clause 2, line 3, the following words occurring after the word ‘religion’ be deleted, namely ‘or was known to be Sikh during his life time.’”

I may at once submit that my reasons for asking the deletion of these words are, in the first place, this expression is vague. "Or was known to be," to whom? The clause does not indicate to whom that person should be known to be Sikh, whether to two persons or three persons or for two thousand persons or only to the members of his family. The clause does not say specifically to whom that person should be known to be Sikh during his life time. It may be all right in the case of historic personages. But if it is a case of a less known person, a private individual whose property comes to be disputed before a Sikh Gurdwara Tribunal it would cause trouble.

Then, again, I would submit, and here I want to draw the attention of the Honourable Member in charge of the Department to which the Bill relates and to Sardar Ujjal Singh, that many Udasis keep long hair which is considered to be a badge or distinguishing mark of a Sikh. Evidence might be produced by some persons to the effect that a certain person kept long hair and therefore he was known to be a Sikh, even though that witness may not know the correct connotation of a Sikh and may not be conversant with the creed of the Sikh. That would not be really carrying out the intention which the original Act had in view. To that extent this amendment will extend the scope of the Act and therefore does not come within the objects and reasons attached to the Bill. The professed object of this Bill is to remove ambiguities and there is no question of ambiguities about a person who is dead. It is a question of fact and no question of law whether a person was or was not a Sikh. Sardar Ujjal Singh said that it was very difficult to define a Sikh and he also said that if any one were to attempt to define a Hindu a good many people would be excluded from the fold of Hindus. I at once said he was wrong. Even the Hindu religion, difficult as it is supposed to be, is not so difficult of definition. For the enlightenment of my honourable friend, Sardar Ujjal Singh, I may submit that the Mahasabha has defined the word and that definition is very brief and comprehensive, and if he likes to know, if he is interested in knowing the definition of a Hindu, I shall tell him what it is. As I said, it is a question of fact, and a question of fact is to be determined not by the provisions of a statute, but by evidence. It should be left to a court to decide whether a person was or was not a Sikh just as it would be open to the court to decide whether a living person is or is not a Sikh. How is a person who is living held to be a Sikh? In the same way evidence can be adduced in the case of a deceased person. It might be said in the case of a living person that there is the declaration. That declaration, no doubt, can be placed before a person when there is a question of doubt. But that declaration embodies a question of principle and also certain questions of fact, namely whether a person believed in the ten Gurus and in the Granth Sahib and whether he had no other religion. All these three statements form the various parts of the declaration embodying questions of fact subject to be proved by evidence. If evidence has to be given with respect to a living person, the same principle, the same facts can be kept in view and be proved or disproved by evidence in the case of deceased persons. I would therefore appeal to Sardar Ujjal Singh with the greatest respect possible to allow these words to be deleted. The words that would remain after the deletion

[Dr. Gokul Chand Narang.]

of these words would be quite sufficient and courts will not find any difficulty in determining whether a deceased person was or was not a Sikh.

**Mr. President :** Clause under consideration, amendment moved—

“ That in paragraph 2 of clause 2, line 3, the following words occurring after the word ‘religion’ be deleted, namely, ‘or was known to be Sikh during his life time.’ ”

**Sardar Sahib Sardar Ujjal Singh** (Sikh Urban) : Sir, if the amendment proposed by my learned friend, Dr. Gokul Chand, Narang, were accepted, there will be absolutely no improvement in the existing provisions of the Act ; because, the existing provision defines that any man is a Sikh who professes the Sikh religion. Sikhism is an offshoot of the Hindu religion. It is a reforming religion and as such certain orthodox practices of the Hindus have crept into it. On account of these practices, and social customs adopted by some Sikhs in the past, it becomes difficult to distinguish a Sikh from a Hindu. Now, in the case of living Sikh, it is possible to make a distinction. In spite of the fact that he may be adopting certain old Hindu practices, a living Sikh can declare that he is a Sikh but in the case of a deceased person such a declaration is not possible. But as the Sikh religion does not enjoin the performance of those practices the Judges have declared deceased Sikhs proved to perform such practices as non-Sikhs. It is for this reason that it has become necessary to amend this clause ; and unless those Sikhs of the past who were generally known to be Sikhs are to be taken as Sikhs, it would be impossible for any one to be declared a Sikh.

In this connection I may refer to the very clever and ingenious interpretations put upon the definition of a Sikh. As a matter of fact the Honourable Judge of the Tribunal, Mr. Munna Lal, has tried to divide even the present day Sikhs into three classes (1) Sanatan Sikhs, (2) Common Sikhs, (3) Akalis. According to him if a Sikh wears a ‘janeo’ he remains no longer a Sikh and if an untouchable is not allowed to enter a Gurdwara, he concludes that the Gurdwara is not established for the use of the Sikhs, because Sikhism does not recognise distinction of caste. If mere practices are to be taken into consideration in the case of a deceased Sikh, it would be impossible for any Gurdwara to be declared a Sikh Gurdwara, or for the matter of that any Sikh to be declared a Sikh if he is no longer living to make the declaration. In fact, even now certain practices of the Hindus are observed by certain Sikhs and all the same those persons who resort to such practices are considered Sikhs. For this reason it is proposed to bring in these words, namely that those persons who are known to be Sikhs should be taken as such.

**Sardar Harbakhsh Singh** [Hoshiarpur and Kangra, (Sikh), Rural] : Sir, one point has not been made clear. My friend who moved the amendment said that it was a question of fact whether a person was or was not a Sikh. I quite agree it is a question of fact. For this very reason in the old Act a certain procedure was prescribed to test and decide this question of fact which was that the person should make a particular declaration. If a living person made the prescribed declaration, then the question of fact as to whether he is a Sikh is proved and established. But the

question arises, how to apply this test in the case of a deceased person. That is why this amending clause provides that if a deceased person was known to be a Sikh by his having professed it, or that is to say by statements made by him during his life time to that effect or by some records or anything of that sort that may be available, then he should be considered to have been proved a Sikh.

That material will supply the proof. The court has been given the hint that such sort of proof will be enough to decide the question. This will operate as a rule of evidence. On the other hand, if there is no such statement or affirmation coming from any record or anything of the sort, the other rule of evidence is to be allowed to operate, that is, whether the person during his life time was known to be a Sikh. That may give rise to controversial proofs, that is, one party may adduce the affirmative sort of proof while the other side may prove the negative. The court will then be able to decide this question after weighing evidence. This clause simply gives a hint to the court that this question of fact should be decided on a certain sort of evidence. If it is deleted then there are left no criteria that you give to the court to decide this important question of fact in case of a deceased person as there are in the case of a living person.

**Lala Mukand Lal Puri** [Lahore City (Non-Muhammadan) Urban]: Sir, I beg to submit that the original clause as proposed extends the scope of the Act and if the policy of the Government is, as has been stated by the Honourable the Minister for Local Self-Government, that it would not support any measure which extends the scope of the Bill, I ask the Government to consider that question in all seriousness whether the amendment now proposed does or does not extend the scope of the Bill. If they after taking the proper advice of experts, without being satisfied merely with the opinion of a lay person like the Honourable Minister for Local Self-Government come to the conclusion that in fact it extends the scope of the Act, I hope that at some stage or other the Government will step in and will not give effect to that as far as possible. I submit, with due deference to what has been said by the Honourable Minister for Local Self-Government, that the amendment itself shows that it extends the scope of the Act. The definition in the Gurdwara Act is that a person is a Sikh who professes the Sikh religion. Well, that definition applies equally to living Sikhs as well as to dead Sikhs. With respect to living Sikhs the matter was made further clear by obviating the necessity of taking any evidence if a person has declared himself to be a Sikh and certainly he will be treated as a Sikh. But the definition of the word "Sikh" was very definite. He who professes the Sikh religion is a Sikh whether he is dead or living. Now, what is proposed in this Bill is that to that definition the words "or he was known to be a Sikh" be added. Well, Sir, I submit that this is a clear extension of the scope of the Act.

Now, Sir, the other point which I wish to bring to the notice of the House is that if you want to define a person, you ought to define him in definite terms. You must not define a living Sikh in one term and a dead Sikh in another term. I can very well imagine that the method of determining whether a person is a Sikh or is not a Sikh, in case of living and dead person may be different but the criteria for determining whether he is or

[L. Mukand Lal Puri.]

is not a Sikh should be the same. It should not be possible for the court to held that A who is living to-day is a Sikh and if he dies tomorrow, he may be held to be not a Sikh or *vice versa*. Different answers may very well be given, if the definition proposed by Sardar Ujjal Singh is accepted. Sardar Harbakhsh Singh has been pleased to refer to a very valuable piece of evidence which will be forthcoming in some cases. There is a question to be decided whether a person was a Sikh or not as specified in the Sikh Gurdwaras Act. In the Tribunal a question may arise whether a person was a Sikh or was not a Sikh. Supposing by evidence it is proved that he was known to be a Sikh, on the other hand the other party has got a written confession in its pocket that the man was not a Sikh, and puts that written confession before the court, under these circumstances what would the court do? Here is a definite declaration by a person that he was not a Sikh, on the other hand volumes of evidence is on record to show that he was known to everybody to be a Sikh. What would the court do under these circumstances? I submit, Sir, that this definition is absolutely illogical. This definition should not be allowed to remain as it is. If you do not define 'a Sikh,' then you give very little guidance to the court, to determine whether a person is known to be a Sikh or not. By what test the word "Sikh" is to be determined? And how is a person to be determined who is known a Sikh? You are simply making confusion worse confounded. So, Sir, this definition is not only vague, but is illogical and as I have submitted it extends the scope of the Act. Therefore, Sir, I will submit that this be deleted. It was certainly possible in the select committee to have substituted a definition which might possibly have met with the wishes of Sardar Ujjal Singh also. But that safeguard has also been not adopted with respect to this Bill.

In an issue of the *Tribune* which was published last week, I saw a letter by one Sardar Pritam Singh. He suggested a definition of a deceased Sikh. I am not quite sure if the matter had gone to the select committee some other better definition of the word would not have been placed on the Statute Book which would have been equally unobjectionable to the Udasies and the Akalies. The definition suggested by Sardar Pritam Singh is a declaration required from a living Sikh. In that definition 3 conditions were necessary. First that he should be in a position to state that he believes in Granth Sahib; secondly that he believes in the ten Gurus and thirdly that he has no other religion. Sardar Pritam Singh suggested in case of a deceased Sikh that the 3rd condition that he had no other religion should not be insisted upon, and the minimum requirements that he believed in the Granth Sahib and the ten Gurus was sufficient. That was the suggestion which might have been considered from various aspects and which might possibly have been adopted. But the definition, which is now proposed, I would submit would make the task of courts very difficult. Instead of removing any ambiguity it adds to the ambiguity. It is asserted that under the new Bill they will have to prove far less, which of course would be extending the scope of the Act that he need not profess the Sikh religion but that he need only be known to have been a Sikh. Well, Sir, if I profess to be a Hindu I am a Hindu whether I am known to be a Hindu or not, but as I profess Hinduism I am a Hindu.

Similarly with respect to Sikhs. Therefore the definition as it stood was perfectly right and should have been allowed to continue on the Statute-Book.

Now, Sir, another point which should be brought to the notice of this House is that the Gurdwara Tribunal has already interpreted this expression "whosoever professes Sikh religion". When a court constituted under the Act as indicated has interpreted a particular section in a particular manner, well, I submit, Sir, if the legislature ever intends to override that interpretation it is certainly extending the scope of the Act as it is passed. And what is intended here to be done is to go back upon the decision which has been given by Honourable Mr. Justice Coldstream, acting as President of one of the Gurdwara Tribunals.

In case No. 12 under Section 8 of the Sikh Gurdwaras Act Mr. Justice Coldstream on 10th August 1928 interpreted the word "Sikh" as follows:—

"For the purpose of the Sikh Gurdwaras Act "Sikh" means a person who professes the Sikh religion. The criteria for deciding in case of dispute whether a living person professes the Sikh religion or not are that he must profess to believe in the Guru Granth Sahib and the ten Gurus and to have no other religion. In deciding whether a dead person professed the Sikh religion we are not bound, I think, to apply the definition so far as we can, *i.e.*, to come to a conclusion whether the person would have stated, had he been asked, that he believed in the Guru Granth Sahib and the ten Gurus and had no other religion. It follows that a person who had some other religion than orthodox Sikhism could not be regarded as having been a Sikh for the purpose of the Act. My conclusion in the matter therefore is that the words "for use by Sikhs" in clause (iii) Sub-section 2 of Section 8 must be read to mean "for use of persons who are proved to have professed the Sikh religion, that is to say, who believed in the Guru Granth Sahib and the ten Gurus and had not other religion," and I think that the Akalis to prove their case must satisfy us by evidence that this particular shrine (Sbri Gurdawara Sahib Pukhta) situate in the Revenue estate of Nanshera Pannua, Tahsil Tarn Taran of District Amritsar, was established with the clear intention that it should be used for public worship by orthodox Sikhs whose religion was not Hinduism."

Therefore, Sir, if the object of the amendment is to override this judgment, and that is the argument which is being advanced, I submit it extends the scope of the Act. You must define a Sikh whether dead or living in the same terms. When you set yourself up as claimant to a property you put in a very restricted and narrow definition of a 'Sikh' but while you go on to define persons whose property you claim you give a very wide definition. So that ultimately it comes to this that by having this definition, one for the living Sikh and another for the dead Sikh, the Akalis will have the property to which they are not entitled. If you want to amend the definition, why not amend it with respect to living persons also? It is most illogical to define the same person in different terms in case he is living and in case he is dead. And that is what is attempted to be done.

It has been pointed out by the honourable mover of this Bill that if this amendment is not accepted all gurdwaras or a vast majority of them could not be termed Sikh gurdwaras. That is absolutely untenable because the effect of this amendment would mainly relate to Section 16 (iii).

**Mr. President :** The honourable member has been repeating his arguments. Clause under consideration, amendment moved is—

“That in paragraph 2 of clause 2, line 3, the following words occurring after the word ‘religion’ be deleted, namely, ‘or was known to be Sikh during his life time.’”

The question is that that amendment be made.

The motion was lost.

**Mr. President :** It is four o'clock and the time for the ordinary business of the day is over. His Excellency has been pleased to intimate that he will address and say good-bye to the members of the Council at 11 A. M. to-morrow.

**The Honourable Captain Sardar Sikandar Hyat Khan :** There is also the motion relating to the report of the Simon Commission.

**Mr. President :** The honourable member who tabled the motion has informed me that he does not wish to move it. The Bill is, therefore, the last item of our business.

**The Honourable Captain Sardar Sikandar Hyat Khan :** I wish to make it clear Sir, that the Government is prepared to give time for the discussion and I hope that there is no misunderstanding on the point.

**Mr. President :** But the mover does not wish to move his motion. So the Council may take into consideration some amendments of the Bill.

The question is—

“That clause 2 stand part of the Bill.”

The motion was carried.

*Clause 3.*

**Dr. Gokul Chand Narang :** Sir, I beg to move—

“That in clause 3 (i), line 2, the word ‘exclusively’ be added after the word ‘used.’”

In case that is not accepted—

“That in clause 3 (i) line 2, the word ‘mainly’ be added after the word ‘used.’”

I do not want to make a speech but would leave it to the good sense of the House to vote in favour of the amendment.

**Mr. President :** Clause under consideration. The question is—

“That in clause 3 (i) line 2, the word ‘exclusively’ be added after the word ‘used.’”

The motion was lost.

**Mr. President :** Clause under consideration. The question is—

“That in clause 3 (i) line 2, the word ‘mainly’ be added after the word ‘used.’”

The motion was lost.

**Mr. President :** The question is—

“That clause 3 stand part of the Bill.”

The motion was carried.

*Clause 4.*

**Lala Mukand Lal Puri :** I move the substitution of a new clause for the existing clause 4.

**Mr. President :** The clause proposed to be substituted is altogether a new clause, therefore I disallow it.

**Lala Mukand Lal Puri :** Sir, I beg to move—

“ That in clause 4, after the words ‘ Notified Sikh Gurdwara ’ the words ‘ or any person ’ be added.”

**Mr. President :** Clause under consideration, amendment moved is—

“ That in clause 4, after the words ‘ Notified Sikh Gurdwara ’ the words ‘ or any person ’ be added.”

**Dr. Gokul Chand Narang :** With due deference to my friend's learning, this amendment would not convey his own meaning. I have sent up an amendment which I beg to move and which makes the sense, as I venture to presume clearer. It is a very long clause and substitution of one word here and one word there would not make it consistent. The object of my amendment is exactly the same. But only, I venture to submit, that it makes the point clearer, but in the amendment proposed by Lala Mukand Lal even his own intention is not clear and my amendment just includes one little thing more. This is an important clause and instead of substituting one word here and taking away a word there, I have, to make it easier of understanding, put it in this form.

**Mr. President :** I cannot allow any other amendment to be moved or discussed before the honourable member, Mr. Mukand Lal's amendment is disposed of.

**Dr. Gokul Chand Narang :** I am going to discuss the amendment of Mr. Puri to clause 4 and I was pointing out that clause 4 as it stands is inadequate and is clearly one sided and if I may venture to refer to a discussion that I had with the honourable mover he also seemed to be under the impression that even those persons who are petitioners before a tribunal and are claiming a right, title or interest in any immovable property claimed on behalf of Gurdwara can also have a right in case a declaration is made in their favour to institute a suit in the same tribunal for the possession of the right or immovable property. The clause is clearly one sided. It assumes that it will be always the Gurdwara Committee that will get a declaration in its favour and therefore the suit will have to be instituted for possession of the right, title or interest concerned by the Committee of that particular Gurdwara concerned and that does not seem to be the intention of the honourable mover because I am sure that he will not be willingly one sided but would like to do justice to both sides concerned. Therefore, this clause does require an amendment and I am sure that Sardar Ujjal Singh and his worthy advisers would concede that this amendment is necessary. The only question would be about the form the amendment should take. Mr. Puri has sent up an amendment. It does not appear to me to be quite correct and certain other consequential amendments would have to be made in the body of the clause as it stands and it is for that reason that I sent up another amendment which carries out the object of my learned friend, the mover of that amendment and also includes another change, a small amendment of a certain character. If you will kindly turn your attention to clause 4 you will find that it says that when it has been decided under the provisions of this Act that a right, title or interest in immovable property belongs to a notified Sikh Gurdwara, the Committee



[Dr. Gokal Chand Narang.]

of the Gurdwara concerned may within a period of one year from the date of the decision or the date of the constitution of the committee whichever is later, institute a suit before the tribunal on behalf of the Gurdwara claiming to be awarded possession of the right, title or interest concerned and the tribunal shall pass a decree for the possession thereof. The clause is a very long one and the language that has been employed by my honourable friend Mr. Puri would not cover unless other changes are made, the ground which this clause is intended to cover or which he intends really that this clause should cover. The first thing is that it should be open both to the mahant and the Shromani Gurdwara Parbandhak Committee or the local committee of management of the Gurdwara to institute a suit when a declaration has been made in its favour just as it might be in favour of the Gurdwara itself. Then the question is whether the suit should be brought within a year from that declaration or from the constitution of the local Committee or some other period should be prescribed. My humble opinion is that the provision as it exists in the clause is not adequate, because a great deal of complications would arise. For, while the appeal of the losing party is pending in the High Court compensation is awarded to the winning party. There arise several instances in which the judgments of the Tribunal have been reversed by the High Court, but no harm has been done to anybody because under the decree of the Tribunal no property passes from one party to another. It is only a declaration of rights. In fact the decree that a Tribunal can pass is only declaratory and not a decree for possession. Therefore no harm is done. But if before the appeal is decided possession is awarded, say to a Sadhu—I will take an instance which might suit my honourable friend better—he takes away the property and allows it to be divided into so many portions, and he having no children and wife might himself go to the Andamans or to Hardwar.....

**The Honourable Sardar Sir Jogendra Singh :** I move that the question be now put.

**Dr. Gokal Chand Narang :** The Honourable Minister cannot move for closure when the speaker is on his legs.

**Mr. President :** The closure may be moved not only at the end but also in the course of a speech.

The Council then adjourned till 9 A. M. on Saturday, the 26th July 1930.

## PUNJAB LEGISLATIVE COUNCIL.

5TH SESSION OF THE 3RD PUNJAB LEGISLATIVE COUNCIL

Saturday, the 26th July 1930.

The Council met at the Assembly Chamber, Simla, at 9 A.M. of the clock. Mr. President in the Chair.

### THE SIKH GURDWARAS (AMENDMENT) BILL.

#### Clause 4.

**Dr. Gokul Chand Narang :** Sir, I want to know whether I can move my amendment of which I have sent notice.

**Mr. President :** Does not the honourable member's amendment go beyond the original clause ?

**Dr. Gokul Chand Narang :** No, Sir. I only substitute some words for the existing words here and there in the clause. If I had said like that it would have caused confusion. That is why I have recasted the whole clause. They say " within a period of one year from the date of the possession . . . . . whichever is later." I say, " After the appeal, if any, has been disposed of." Otherwise the intent of my amendment and the present clause is the same. I only fix a period which would be required for the disposal of the appeal.

**Mr. President :** Is not the honourable member's amendment inconsistent with the original clause ?

**Dr. Gokul Chand Narang :** An amendment means an amendment. It does mean a change. Otherwise there will be no amendment at all. Supposing it is a Limitation Act and you say " 8 years " and I want to have " one year." Certainly it is inconsistent with the original clause. Otherwise there will be no amendment.

**Mr. President :** Unless the amendment now before the House, that is to say, Mr. Puri's amendment, is disposed of, I cannot allow any other amendment.

**Dr. Gokul Chand Narang :** Then, will my amendment be taken up after this amendment is disposed of ?

**Mr. President :** I shall gladly consider the honourable member's amendment in its turn. The question is—

" That in sub-clause (1) of clause 4 after the words ' Notified Sikh Gurdwara ' the following words be inserted : ' or any person. ' "

The motion was carried.

**Lala Mukand Lal Puri :** Sir, I beg to move—

" That in sub-clause (1) of clause 4, after the word ' concerned ' the following words be added : ' or the person in whose favour a declaration has been made. ' "

[ L. Mukand Lal Puri.]

This is a consequential amendment and is part and parcel of the one that has already been passed.

**Mr. President :** The question is—

“That in sub-clause (1) of clause 4, after the word ‘concerned’ the following words be added: ‘or the person in whose favour a declaration has been made.’”

The motion was carried.

**Mr. President :** Now we come to Dr. Gokul Chand's amendment. The first point to be decided is whether it is in order; that is to say, whether it is consistent with the amendment which has been just passed by the House.

**Dr. Gokul Chand Narang :** One part of it is exactly the same. Only my amendment, with due respect to everybody who has voted in favour of these amendments, would make the clause a consistent one.

**Mr. President :** The honourable member's amendment is that the following be substituted for sub-clause (1) of clause 4 as it stands originally in the Bill. Now the clause in the Bill has been amended by the insertion of certain words in several places. Consequently, the question is, whether the amendment which was intended to replace the original clause, is consistent with the clause as amended by the Council.

**Dr. Gokul Chand Narang :** It is consistent.

**Mr. President :** Dr. Gokul Chand's amendment is this—

“That the following be substituted for sub-clause (1) of clause 4:—

“When it has been decided under the provisions of this Act that a right, title and interest in an immovable property belongs or does not belong to a notified Sikh Gurdwara, the party in whose favour the declaration is made, may, after the appeal, if any, has been disposed of, institute a suit for the possession of the right, title and interest concerned, and the Tribunal shall pass a decree for possession thereof.”

**Dr. Gokul Chand Narang :** You will see that it will require a few months to bring out the defects which would be created if the words which have been accepted by the House are inserted in the clause.

**Mr. President :** But does it express, if not exactly, substantially, the same sense as the amended clause?

**Dr. Gokul Chand Narang :** Yes, it does. That is why I say it is not inconsistent. It only straightens up the language. The difference lies in this, that for the 3½ lines from the 8th line for the words: “within a period of one year from the date of the possession or the date of the constitution of the committee, whichever is later.” I want to substitute the following: “after the appeal, if any, has been disposed of.” The rest remains the same. The drafting sub-committee when it is appointed will straighten up the language if you do not accept my draft for I do not think possibly any objection could be raised to it. The learned Legal Remembrancer is fortunately here and he can look into it.

**Mr. President :** Does the honourable Legal Remembrancer agree that the amendment is substantially identical with the clause as amended?

**Mr. S. L. Sale :** No, Sir, there is a very considerable difference.

**Dr. Gokul Chand Narang :** Yes, leaving out the appeal, but the rest is the same.

**The Honourable Malik Firoz Khan, Noon :** The only difference between the clause as it stands now and the amendment that Dr. Gokul Chand Narang is suggesting is this, that by the new amendment Dr. Narang wishes to deprive the decree-holder of the ordinary civil law of his right to execute his decree. He wishes the execution of that decree to be postponed till the High Court has decided the appeal. That is the only difference that his amendment makes. Otherwise the changes seem to be only verbal.

**Dr. Gokul Chand Narang :** That is perfectly right, though the way of putting it is a bit different. (*Laughter.*)

**Khan Bahadur Nawab Muzaffar Khan (Director, Information Bureau) :** I think, Sir, that my esteemed friend is under some misapprehension. The amending Bill in no way takes away the powers from the civil courts. In fact as in an ordinary civil case, when a declaratory decree has been passed, the plaintiff in whose favour the decree has been passed will have to go to an ordinary civil court and sue for possession; in the same way, when a declaratory decree has been passed in the present case by the Tribunal, the plaintiff will seek his remedy for possession. So we have in no way interfered with the civil law: we are in fact following the civil law closely.

**Dr. Gokul Chand Narang :** I submit, Sir, that under the ordinary law there are many orders besides the final order which are appealable, which are also revisable, in certain cases. Under the present law under this Act no order passed by the Tribunal is appealable and no order passed by the Tribunal is revisable, except the final order. The Legal Remembrancer will concede that I am right. So that in the ordinary cases, if something happens or there is a danger of property deteriorating or something else happening, the party likely to be injured can at once go to the High Court and get relief. Under this Act no relief is possible. The only relief which is possible .....

**Mr. President :** How does the honourable member's amendment go beyond it?

**Dr. Gokul Chand Narang :** You will see the difference lies in this. If a declaratory decree, that is, the only decree which the Tribunal can pass at the present time, is passed in favour of the Shiromani Gurdwara Parbhandak Committee under the clause as it stands, a suit can be brought and a decree can be passed for possession even before the appeal is decided by the High Court. Under the amendment that I am suggesting .....

**Mr. President :** Could not this be done even under the ordinary law?

**Dr. Gokul Chand Narang :** It can be done, but there are safeguards which are missing in this Act. You see under section 84 of this Act .....

**Mr. President :** Then, in other words, the original clause does not provide for certain safeguards, while the honourable member's amendment is intended to provide all those safeguards.

**Dr. Gokul Chand Narang :** Not only that, but the intention is to provide for certain remedies which under the clause as it stands will not be available. That by itself will provide a relief. It is not in express terms a

[ Dr. Gokul Chand Narang. ]

provision for relief. If some indirect consequence follows from that and some gain follows to someone or some injury is prevented, it does not mean that the clause is radically different and that it cannot be put in the form of an amendment.

**Sardar Sahib Sardar Ujjal Singh [Sikh (Urban)] :** Sir, the amendment of Dr. Gokul Chand Narang goes beyond the scope of the motion before the House. A suit for possession can now be entertained only in a civil court. No provision has been made for filing a suit for possession in the Tribunal. If there is any apprehension that the property is likely to be deteriorated, the aggrieved party is at liberty to appeal to the High Court against the decree for possession or can submit an application to the High Court for staying the proceedings in a suit for possession. In that case the High Court, if it is satisfied, will issue orders to that effect to the lower court. Thus the aggrieved party can find relief.

**Dr. Gokul Chand Narang :** Sir, my honourable friend, not being a lawyer, is entirely mistaken in thinking that an injunction can be issued to the Tribunal. The High Court has no jurisdiction over the Tribunal except on appeal.

**Mr. President :** But the question is whether the amendment is within the scope of the original clause.

**Dr. Gokul Chand Narang :** My submission is that it is within the scope of the clause. I shall show it in a very few words. It is said that the suit for possession should be brought within one year after the decree for declaration has been passed, or within one year from the constitution of the local committee of management of a particular Gurdwara, whichever may be later. This means that a period of limitation is prescribed for the institution of the necessary suit. That is all the scope of this part of the sub-clause. I submit that, instead of prescribing this limitation, a limitation should be prescribed in these words, that is, that suits should be brought after the appeal, if any, has been disposed of. It may be said that that is indefinite or vague. I submit it is not. It may be said to be vague in the sense that no years or months have been fixed. Then, my submission is that the original clause also is vague because the Gurdwara Committee may not be constituted for two years, and then, when it is constituted, it will have one year more. Thus the period in the original clause is also vague and indefinite. Therefore I submit that my amendment does not go beyond the scope of the Bill at all. It is only a question of fixing a period of limitation, that is, whether it is to be fixed in one form or another.

**Mr. President :** Will not that amendment take away the effect of the clause ?

**Dr. Gokul Chand Narang :** Why ? It does not take away the right of a suit. The right of suit for possession is the real thing. The other question, that is, when the suit is to be brought, is only a subsidiary one.

Besides, if my amendment is considered to go beyond the scope of the Bill, I may submit that the Bill itself goes beyond the scope of the original Act. That question, if I raise it, would cause inconvenience.

Why should people go to a civil court and file a suit for possession? If the Tribunal can pass a decree, it can also pass a possessory decree. That is the real part of the clause and the rest is subsidiary, that is, when that suit should be brought. It is a question of limitation and it is on that point that I suggest that a different period should be prescribed. I may submit an analogy. Suppose a Bill to amend the Limitation Act is under consideration and the question arises whether three years should be prescribed for a certain suit and an amendment is moved that instead of three years it should be six years. It would be no doubt beyond the original clause, but it would be within the scope of the clause. Again there are certain articles in the Limitation Act in which no definite starting-point is mentioned. It is said: so many years from the knowledge. Therefore simply because I do not specify years or months it does not invalidate my amendment. My amendment only prescribes one period for another.

**Sardar Harbakhsh Singh** [Hoshiarpur and Kangra (Sikh) Rural]: Sir, supposing under the Act, as it already stands, a person gets a declaratory decree from the Tribunal, he has certainly to go to a civil court for bringing a suit for possession; and suppose he brings it or even gets a possessory decree; the remedy against that is surely the appeal to the High Court against the declaratory decree of the Tribunal and an application for stay of proceedings in the possessory suit or for stay of execution of the decree for possession, if passed. Now I should like to know what would happen under the present amendment, for which it is being opposed? I think no difference will be made and no new hardship created.

**Dr. Gokul Chand Narang**: The remedy is this: I tried to explain it, but probably the honourable member did not follow it.

**Mr. President**: The same explanation need not be repeated.

**Sardar Sahib Sardar Ujjal Singh**: This clause provides the period for a suit to be filed after the committee referred to in the Bill is constituted, that is, within one year after the constitution of the committee.

**Mr. President**: Why not give the same right to any other person?

**Sardar Sahib Sardar Ujjal Singh**: If the suit for possession is to await the decision of the appeal, it may take several years. In the meanwhile the whole property may be lost.

**The Honourable Malik Firoz Khan Noon**: As far as I can see, the spirit of the amendment is not against the spirit of the clause itself. What the amendment really does is that it tries to break the ordinary law of procedure on the question of execution of decrees. If this amendment is to be discussed at all, this is the most suitable place for it to be allowed to be discussed instead of being allowed to be discussed later on.

**Mr. President**: What has Mr. Sale got to say?

**Mr. S. L. Sale**: As far as I can see, Dr. Narang's amendment does not go beyond the scope of this clause. The point at issue is this: What is the period within which the suit for possession may be brought? The Bill provides that it may be brought within one year from the date of the decision.

**Mr. President**: That does not go beyond the scope of the original clause; and therefore the amendment is in order.

**Mr. S. L. Sale :** The amendment says that it should not be brought before the date of appeal, if any, from the decision of the Tribunal. It is common knowledge that first appeals in the High Court take something like 4 or 5 years.

**Dr. Gokul Chand Narang :** That is going into the merits of the amendment.

**Khan Bahadur Nawab Muzaffar Khan :** I think the amendment can be moved now. Whether it is desirable or not is another point.

**Mr. President :** The honourable member may proceed with his speech.

**Dr. Gokul Chand Narang :** I shall finish my speech in three minutes. I move this amendment to obviate many difficulties. The one point is that the High Court has no control over the Tribunal, and therefore the persons concerned who are likely to be injured cannot appeal to the High Court and stop the mischief. The other is that, if possession is given, say to the Shiromani Gurdwara Parbhandak Committee before the appeal is disposed of, and later if the appeal is accepted, it would be impossible for a poor Mahant to get back the possession of the property from such a powerful respondent as the Shiromani Gurdwara Parbhandak Committee, and it would create many complications. If the appeal takes two or three years to be decided, there would also arise the question of mesne profits, and that would also create further complications. It would not be an easy thing for an ordinary poor Mahant or Sadhu to recover the mesne profits from the Shiromani Gurdwara Parbhandak Committee and to recover possession. I can quote instances where great difficulties have been experienced in getting back the property. It is almost impossible even for Government machinery to take back possession from the Akalis. With these remarks, I move—

“ That for sub-clause (1) of clause 4 as amended, the following be substituted :—

“ When it has been decided under the provisions of this Act that the right, title and interest of any immovable property belongs or does not belong to a notified Sikh Gurdwara, the party in whose favour the declaration is made may, after the appeal, if any, has been disposed of, institute a suit for the possession of the right, title and interest concerned and the Tribunal shall pass a decree for the possession thereof. ”

**Mr. President :** Clause under consideration, amendment moved is—

“ That for sub-clause (1) of clause 4 as amended, the following be substituted :—

“ When it has been decided under the provisions of this Act that the right, title and interest of any immovable property belongs or does not belong to a notified Sikh Gurdwara, the party in whose favour the declaration is made may, after the appeal, if any, has been disposed of, institute a suit for the possession of the right, title and interest concerned and the Tribunal shall pass a decree for the possession thereof. ”

**Mr. S. L. Sale :** What Dr. Gokul Chand Narang has said is quite correct. Under section 34 of the Act as it stands at present an appeal may be filed from the final order of the Tribunal before the High Court. I understand that Dr. Narang is afraid that, while the aggrieved party is considering the question of appeal, the other side may get a decree for possession, and have it executed. He is afraid that, in the event of the appeal being accepted, there will be trouble about restoration of the *status quo ante*. But I would point out that, under the ordinary provisions of the Civil Procedure Code—

I have not got a copy of it here, I think it is order 41—the aggrieved party making the appeal may ask the High Court to stay execution pending the decision of the appeal, and, if the High Court considers that it is in the interest of justice that the execution of a possessory decree should be stayed, the High Court has absolute power to do so. It is this procedure to which my honourable friend Sardar Ujjal Singh referred when he used the expression “injunction.” The word “injunction” is not correct; what he meant was a “stay order” and the High Court has absolute power to issue such an order to any courts subject to its appellate jurisdiction pending the decision of the appeal before it, and thus prevent execution which might destroy the effect of the appeal. I think this is a complete answer to Dr. Narang’s objection.

**Lala Kesho Ram Sekhri :** Sir, I have heard the Legal Remembrancer. He is under a mistaken notion of the whole situation. Of course the High Court can by an order stay the execution of a decree, but the question is whether it can stay the prosecution of the suit. The suit is for possession; no appeal is pending before the High Court against that. The only appeal that can be filed is against the final order of the Tribunal and against no other order. In the circumstances the High Court shall have no jurisdiction in regard to the suit for possession, and if this suit be allowed to continue and ultimately if the Akalis get a decree for possession, then, like Daska, they will never get possession. They will have jathas going on and they would be creating another situation which would be very difficult for Government to control. In the circumstances I would submit that the Legal Remembrancer has not clearly understood the position and this provision would inevitably lead to another jatha.

**Sardar Harbakhsh Singh :** My honourable friend forgets that decrees for possession will also be appealable and when the appeal is being considered a stay petition could be entertained.

**Dr. Gokul Chand Narang :** In case my amendment is not accepted, I apprehend that trouble between the communities might be caused in taking possession and in restoring possession and so on. I am quite sure that the honourable minister does not intend that.

There is also the question of court-fees. No provision is made in regard to court-fees for appeals from decrees for possession to the High Court. Everything is raw, indefinite, immature and ill-considered.

**Khan Bahadur Nawab Muzaffar Khan :** As has been already pointed out, we have done nothing beyond the ordinary law as laid down in the Civil Procedure Code in this respect.

**Lala Mukand Lal Puri :** I take it that the intention of the honourable mover and of the Law Department is that in appeals also the same court-fee will be levied as is provided for all suits; and, if it is found that that provision should be specified in this Act, that may be brought as a consequential amendment and considered at a later stage.

**The Honourable Malik Firoz Khan Noon :** There is to be no difference in the procedure in the case of appeals from this Tribunal from that covered by the ordinary law.



**Mr. President :** The question is—

"For clause 4, sub-clause (1), the following be substituted :—

"When it has been decided under the provisions of this Act the right, title and interest of any immovable property belongs or does not belong to a notified Sikh Gurdwara, the party in whose favour the declaration is made may, after the appeal, if any, has been disposed of, institute a suit for the possession of the right, title and interest concerned and the Tribunal shall pass a decree for the possession thereof."

The motion was lost.

**Mr. President :** The question is—

"That sub-clause (1) of clause 4 as amended stand part of the Bill."

The motion was carried.

**Mr. President :** The question is—

"That sub-clause (2) of clause 4 stand part of the Bill."

The motion was carried.

*Clauses 5 to 10.*

**Mr. President :** The question is—

"That clauses 5 to 10 stand part of the Bill."

The motion was carried.

*Clause 11.*

**Lala Mukand Lal Puri :** Sir, I move—

"That in clause 11 (1) the words beginning with the words 'or any decision' and ending with the words 'of this Act' be omitted."

This clause gives a retrospective effect to an amendment in the substantive law of the land which is not ordinarily done. However unusual it may be, this retrospective effect, whenever it has been given, has never been extended to pending litigation. Even when pending litigation is intended to be effected retrospectively, I have never come across any piece of enactment which gives such retrospective effect in cases where the point has already been adjudicated upon between the parties. The object of my amendment is to exclude from the retrospective operation of the Act those cases in which an adjudication on the particular point involved in the dispute has been given by the Gurdwara Tribunal and the High Court. I am not referring to nullifying the effect of the decisions of the High Court or those of the Gurdwara Tribunal as precedents, but I am referring to the decisions in cases between the parties after they have let in evidence. The amended section would then read :—

"Notwithstanding anything contained in the said Act, the amendments made in the said Act by sections 2, 3 and 4 shall be applicable to all claims, petitions and suits in which the recording of evidence has not been concluded before the Tribunal at the commencement of this Act."

So that, if a decision has been given in such cases, that should not be affected.

**Mr. President :** Clause under consideration, amendment proposed—

"That the words beginning with the words 'or any decision' and ending with the words 'of this Act' be omitted."

**Sardar Sahib Sardar Ujjal Singh :** I oppose this amendment. It is intended by these words that, if any case were sent back by the High Court for taking further evidence, the amending Bill should apply to such a case.

But retrospective effect will not apply to cases already decided by the Tribunal or the High Court.

**Dr. Gokul Chand Narang :** Sir, I am at a loss to stand up again and again, but I cannot help submitting that this clause—clause 11 (1)—is an objectionable clause. It is unprecedented, most inequitable and irregular. It means that, even if the High Court has confirmed the judgment of the Tribunal on certain points, all those decisions should be set aside. Rights which have accrued to parties to the litigation pending before the Tribunal in virtue of decisions in their favour should be set aside. You know already the Sikh Gurdwara Act has caused great heart-burning in a certain section of the community and it cannot be denied that the Act is in many respects a negation of the ordinary law on which the honourable minister in charge of the subject laid so much stress. But we cannot go into that Act now. My only anxiety is that we should not make the case of those persons harder who have already suffered under the Act. Therefore, when certain points have been decided in their favour and certain rights have accrued to them, they should not be taken away by one stroke of the pen by this House, particularly when the parties concerned have absolutely no hand in it. It is really passing decrees against persons who do not even know that decrees are being passed against them. I appeal to the sense of fairness, of reasonableness, sense of equity of the honourable mover and of the other Sikh members of the House and the honourable minister in charge of the subject to view the matter from that point of view and not to make the retrospective effect so wide as this clause would make. I would have spoken in an entirely different strain, but I have every sympathy for the legitimate demands of the Sikhs. But my submission is that in this clause particularly the demand goes much too far and they themselves should not insist upon it.

I have no quarrel with sub-clause (2) because that affects only a particular Gurdwara and corrects a misdescription. My objection now is confined to sub-clause (1) of this clause.

**Mr. S. L. Sale :** Sir, in placing this section of the amending Bill before the House I wish to make it clear that it was not the intention of the framers of the Bill to disturb any case which has so far as is known been finally decided, either by the High Court or by the Tribunal. It will be observed that in the amending Bill, as it stands at present, the crucial points are : the criterion for deciding who is a Sikh in the case of a deceased Sikh, the question of "is used" or "was used" in section 16 of the Act and lastly the question of possessory decrees. So far as the question of the criterion for the definition of a deceased Sikh is concerned, I stated before, and I repeat it again, that the point is *res integra*. The point was referred to by the Honourable Justice Coldstream, as President of the Tribunal in a certain case, but there he only gave his opinion, so far as I know, but did not come to any definite decision. Similarly in the case of the other two points. In submitting this Bill for the previous sanction of the Government of India I made it clear in the covering letter that the provisions of the amending Bill were not intended to disturb any decision that has so far been arrived at. It will not affect the vested rights or interests in the case of any decision so far finally made. It is only intended that the Bill should affect the cases pending at present and that may be pending up to the time that this Bill is placed on the Statute Book.

**Dr. Gokul Chand Narang :** The words then " Notwithstanding any decision or order made by the Tribunal or the High Court " are then meaningless.

**Mr. S. L. Sale :** The idea is to shut out the possibility of any decision that might be made during the passage of this Bill through the Council and on its way on to the Statute Book.

**Dr. Gokul Chand Narang :** But here you are making a sweeping statement. It is confined to the period of incubation of this measure. The words are sweeping enough and a case might go to the High Court, might come back to the Tribunal after a certain point had been decided, and you can set the whole thing aside.

**Mr. S. L. Sale :** There does not seem to be any need for any saving of that kind. It does not affect any decision that has been finally arrived at. It may affect decisions which are not yet final, and in fact it is intended to affect such decisions. But in point of fact it does not affect any decision so far as is known to us at present.

**Mr. President :** The question is—

" That the words beginning with the words ' or any decision ' and ending with the words ' of this Act ' be omitted."

The motion was lost.

**Lala Mukand Lal Puri :** Sir, I move—

" That in clause 11 (1) in the last but one line, the word ' commenced ' be substituted for the word ' concluded.' "

Sir, the section as proposed in this Bill makes the Bill apply to all existing, all pending, litigation in cases in which the recording of evidence has not been concluded. My amendment goes to substitute the word " commenced " for the word " concluded " so that the retrospective effect of section 11 would be confined to cases in which the recording of evidence has not commenced. That is a perfectly fair and reasonable request to make to the House. In cases which arise under the Gurdwara Act the *onus probandi* is invariably on the party which is opposing the Shiromani Gurdwara Parbandhak Committee. Two hundred and forty-two Gurdwaras are scheduled in schedule I of the Act, and petitions have invariably to be filed by persons who are on the other side. So that, with respect to all that litigation, persons opposed to the Shiromani Gurdwara Parbandhak Committee are the plaintiffs. Again, even in cases where the initiative is taken by the Shiromani Gurdwara Parbandhak Committee owing to the presumptions created by the Act, presumptions which, I need hardly say, are contrary to the presumptions under the Indian Evidence Act, but as it was a kind of special legislation those presumptions were created in favour of the Shiromani Gurdwara Parbandhak Committee—in virtue of those presumptions the *onus probandi* is in most cases on the persons opposed to the Shiromani Gurdwara Parbandhak Committee. Therefore it may be confidently asserted that in a vast majority of cases evidence will in the first instance have to be led by persons opposed to the Shiromani Gurdwara Parbandhak Committee. If the word " concluded " is there, what it would mean is this: that, even when the entire evidence of the other side has been concluded, this Act would apply to those cases. My objection in the first instance is that, if the other side has laid all its cards on the table, it is hardly fair for the opposite party to come to this Council

to amend the law after having seen the entire evidence of the other side. It practically amounts to this, that, whenever the Shiromani Gurdwara Parbandhak Committee wants that a particular property should be handed over to it, that claim should be decreed, irrespective of the fact whether the other party is allowed the opportunity to lead evidence or not. I expect another difficulty. No provision is made that the person who has already led his evidence and has closed his case and has no further right under the law to lead any more evidence will be allowed another opportunity to lead evidence after this amendment has been made. Of course, if the Act provided that, in spite of his having closed his evidence, the whole case will be opened and he will be entitled to lead fresh evidence in view of the amended clause, that will be something, although that will be no great relief either. Here by changing the definition of the word Sikh and making it apply to cases in which a party has closed his case, has led all his evidence, you are practically depriving him of the right to put his case before the court under the amended law. But, even if you had made that provision, I submit that it would be absolutely impossible for him to convince any court of the *bona fides* of his case by leading evidence different from that already produced. Under those circumstances it is fair and reasonable that, if this Council is going to help the Shiromani Gurdwara Parbandhak Committee in making the provisions of a substantive law retrospectively effective—it is not a matter which is usually done so as to effect pending litigation—again a thing which is not usually done—let it be confined to cases in which the recording of evidence has not commenced. I do not mean to say that by accepting this amendment both parties would even then be put on the same footing because according to the provisions of the Civil Procedure Code both the parties have to put their documentary evidence at the first hearing before the recording of evidence. Therefore, even if my amendment is accepted, the Shiromani Gurdwara Parbandhak Committee would be fully in possession of the evidence on the other side. But it certainly would remove to a slight extent the great unfairness of the retrospective effect of this proposal.

**Sardar Sahib Sardar Ujjal Singh :** Sir, if the amendment of the honourable member is accepted, it would take away the benefit of the retrospective clause. There are, so far as I know, something like 40 cases of that kind and the most important cases will not be able to derive the benefit of this clause. As I am informed, there are altogether 75 cases pending before the Tribunal and out of these there are very few cases which are in an advanced stage. In many of them the evidence has only begun, and if by this amendment that only in cases where evidence has not commenced retrospective effect could be given, then those cases in which evidence has only started will not derive the benefit of this clause. I therefore oppose the motion.

**The Honourable Malik Firoz Khan Noon :** Sir, there seems to be some misapprehensions as to what this Act contains which is being objected to and which by being given retrospective effect is likely to affect adversely and seriously the interests of one of the parties in the Gurdwara litigation. In cases in which the final decision of the High Court has been given this Act will not be applied. It is only in cases in which the evidence has not been completed and the proceedings are still going on in courts and the parties have still the choice of bringing forward evidence and putting

[ The Hon'ble Malik Firoz Khan Noon. ]

forward their case that this law is to enable the use of the new provisions of this Bill. And what is the main provision of this Bill? It only gives the definition of a dead Sikh.

**Mr. President:** The honourable minister will please confine his speech to the amendment whether the word "commenced" should or should not be substituted for the word "concluded."

**The Honourable Malik Firoz Khan Noon:** This clause refers to the amendments which are likely to have retrospective effect and I was going to suggest that the nature of these amendments is such that they should not be objected to even if they are going to be retrospective in their effect.

**Mr. President:** Is the honourable minister suggesting that if the amendment is passed it would affect certain clauses which the House has already passed and that on that ground the amendment is out of order?

**The Honourable Malik Firoz Khan Noon:** This clause does not absolutely take away the effect of the amendments because if in place of the word "concluded" the word "commenced" is used then in a large number of cases in which evidence has just started the new definition of the word Sikh will not be allowed to be used. Therefore it is fair to both sides that when the evidence is still going on they should be able to use this definition. It only tries to clarify some of the misunderstandings that have arisen from the defective language of the Bill.

**Mr. President:** The question is—

"That in clause 11, last but one line, for the word 'concluded' the word 'commenced' be substituted."

The motion was lost.

**Mr. President:** The question is—

"That sub-clause (1) of clause 11 stand part of the Bill,

The motion was carried.

**Mr. President:** The question is—

"That sub-clause (2) of clause 11 stand part of the Bill."

The motion was carried.

*The Preamble.*

**Mr. President:** The question is—

"That the preamble stand part of the Bill."

The motion was carried.

*Clause 1 (1).*

**Mr. President:** The question is—

"That sub-clause (1) of clause 1 stand part of the Bill."

The motion was carried.

**Mr. President:** There is one little point which I like to place before the House, that is, as to whether these two amendments which have been made by this House in sub-clause (1) of clause 4 necessitate the Bill to be examined by a committee.

**Mr. S. L. Sale (Legal Remembrancer):** I have examined this clause and, as far as I can see, there is only one alteration and that is in line 12, the

words "on behalf of the Gurdwara" will have to be cut out. I think there is no other consequential amendment.

**Mr. President:** Under article 92 I direct that the Bill be examined by a committee of the following members:—

- The Government member in charge of the department;
- The mover of the Bill;
- The Honourable the Legal Remembrancer; and
- Lala Mukand Lal Puri.

These four gentlemen will examine the amendments and make such formal or consequential alterations as they deem proper to make and report to the House at 10-30 A.M. to-day.

The House then adjourned.

The House reassembled at 10-30 A.M., Mr. President in the chair.

**Mr. S. L. Sale:** The drafting committee begs to report that the following consequential amendments are necessary:—

- (1) That in clause (4) in the 12th line of the new section 25-A (1) the words "on behalf of the Gurdwara" be omitted.
- (2) that in clause (4) in the 21st line of the said new section the following words be inserted between the words "Gurdwara" and "pass":—  
"or to the person in whose favour the declaration has been made."
- (3) That in clause 11, at the end of the 7th line after the figure 4, the following words be added:—  
"of this amending Act."

**Mr. President:** The first amendment suggested by the Committee is—

"That in line 12 of sub-clause (1) of clause (4) the words 'on behalf of the Gurdwara' be omitted."

The motion was carried.

**Mr. President:** The question is that—

"In the last but one line of sub-clause (1) of clause 4 after the word 'Gurdwara' and before the word 'pass' the following be inserted:—  
'Or to the person in whose favour the declaration has been made.'"

The motion was carried.

**Mr. President:** The question is—

"That in clause 11, at the end of line 7 after the figure 4, the following words be added:—  
'of this amending Act.'"

The motion was carried.

**Sardar Sahib Sardar Ujjal Singh:** I beg to move—

"That the Sikh Gurdwaras (Amendment) Bill be passed."

The motion was carried.

#### MOTION *re* REPORT OF THE SIMON COMMISSION.

**Lala Kesho Ram Sekhri:** Sir, I have already intimated to this House that I do not intend to move the motion<sup>1</sup> that stands in my name

<sup>1</sup> That the report of the Simon Commission be discussed and the record of the discussion be reported to His Majesty's Government.

[ L. Kesho Ram Sekhri. ]

But I owe it to this House and also to my constituency to mention the reason why I have given up the idea of moving this motion. Since I have come up to Simla I have consulted the members of my party and other members of this House, including the Musalmans, Sikhs and all other sections of the House. They are all unanimous in condemning this report. Some are of opinion.....

**The Honourable Captain Sardar Sikandar Hyat Khan :** On a point of order. I want to know whether the honourable member wants to move his motion or not. If not, he should not be allowed to say anything.

**Mr. President :** If the honourable member does not wish to move his motion, he would please resume his seat.

**Lala Kesho Ram Sekhri :** I was only submitting my reason why I was not making the motion.

**Mr. President :** If the honourable member wishes to move his motion, he may read it and then make a speech if he likes.

**Lala Kesho Ram Sekhri :** The motion is that the Simon Commission report be discussed. I was submitting to this House my reason why I did not intend moving it.

**Mr. President :** If the honourable member does not intend to move it, he should not make a speech. But, if he wishes to make a speech, he should move the motion and then make a speech.

**Lala Kesho Ram Sekhri :** Some are of the opinion that the report is retrograde, reactionary, unsatisfactory. Others are of the opinion.....

**The Honourable Captain Sardar Sikandar Hyat Khan :** Sir, the honourable member has already twice intimated to this House that he does not wish to move his motion. In the circumstances, I want to have a ruling from the Chair whether he can be allowed to make a speech.

**Lala Kesho Ram Sekhri :** Sir, others are of opinion.....

**Mr. President :** Unless the honourable member moves his motion he has no right of speech. But, if he desires to make a speech, he should move the motion and then make a speech. He has already intimated to the House that he has no intention to move the motion and yet he wishes to make a speech. He is not entitled to do this.

**Lala Kesho Ram Sekhri :** As everybody is of opinion that it is a pure waste of time, in deference to their wishes, I do not propose to move the motion.

**The Honourable Captain Sardar Sikandar Hyat Khan :** Sir, it is the usual custom to allow members of this House an opportunity to bid farewell to the speaker at the end of the last session and I hope you will give us an opportunity to do so after His Excellency the Governor has addressed the House.

**Mr. President :** After His Excellency the Governor leaves this House, it is suggested that I might request the honourable members to remain in their seats so that we may say good-bye to each other. After that, arrangement has been made that all members may be photographed. (*Hear, hear.*) I hope all gentlemen will please remain in their seats after His Excellency leaves the Chamber.

## ADDRESS BY HIS EXCELLENCY THE GOVERNOR.

His Excellency the Governor then arrived in procession with the officers of the Council and his personal staff at 11 A.M. and took his seat on the throne.

His Excellency the Governor then addressed the Council as follows:—

MR. PRESIDENT AND MEMBERS OF THE PUNJAB LEGISLATIVE COUNCIL,

Sometime has elapsed since I last addressed you. On that occasion I was in the position of only having been in charge of my present office for a few months, while this Council was at that time on the way to complete the second year of its existence. During the earlier part of its life I had been associated with it in another way, that is in the capacity of one of its members.

It is accordingly not unnatural that I should look back on the life of this Council with special interest—both as regards the times in which its activities were in operation and the achievements it has been able to place to its credit. The Sun of the third reformed Punjab Legislative Council is now about to set; and before you disperse at the close of this last session of this Council's extended life, I felt that I should like to address you once again, to refer to some aspects of those affairs, in which we have been so intimately associated during the past three and a half years and to express my appreciation and obligations for the spirit of co-operation and responsibility which has throughout animated the Council in dealing with many problems of serious political and material importance to the province during the period.

The events of the days through which we have passed and during which the Council was called to function, are so recent and so fresh in our memories that I need not dwell on them, save to say that none of us can fail to be conscious that they were not easy times. Beginning with the acute communal tension which found expression in some Punjab towns in the summer of the year 1927—the first year of the life of the Council—and ending with the widespread campaign of subversion of the law and the fabric of established Government which has now been in progress in the province for some months past, the march of events has seldom been lacking in elements which were bound to produce disturbing or exciting reactions on sections of the people. Nor has economic prosperity fallen to our lot during these years. The failure of the wheat crop in *rabi* 1928 was followed in two successive monsoon seasons by unprecedented and disastrous floods in several of our great rivers causing widespread loss to the people in the riverain areas of many districts and serious damage to the headworks of some of the great canals on which the prosperity of the province so largely depends. Meanwhile drought and scarcity conditions have persisted unabated during the period in several of the districts of the South-East Punjab; and in the last two harvests, even in those districts where crops were good (and in many districts they were abnormally good), the prices of cotton and wheat ruled unusually low, and farmers have been sadly disappointed in the realization of expected profits; and naturally agricultural depression has had its consequent reaction on trade and commerce in towns. Incidentally I may observe that I and my Government



are watching the conditions resulting from the fall of prices of agricultural produce—a world-wide phenomenon—with the closest attention and sympathy, and are fully conscious of the difficulties which the landowners and cultivators are experiencing. It is greatly to the credit of the landowners of the province, that, in spite of nefarious propaganda to the contrary, they have remained steadfast to their obligation in regard to the payment of land revenue when due, and justly recognize the dual responsibility implied in a system of contract, which, so far as they are concerned, has safeguarded and secured them, without tapping increments, in the free enjoyment of the profits of many years of higher prices than those which governed their assessments.

These have not been easy times for the members of a Council, fully attuned, as they should be, to the play of sentiment among those whom they represent, to pursue their course of service to the cause of their fellow-citizens in the Punjab with wisdom and sobriety and undeterred by the ephemeral insistence of some momentary feature to keep their eyes fixed on measures which would conduce to the more enduring and greater good of the country. Yet a dispassionate review of the activities of the Council can lead to other conclusion but that its sense of responsibility has won through, and has enabled it to give a right lead to public opinion, to support the Government in the main essentials of good administration and, in spite of various difficulties and obstacles, to continue to consolidate and expand beneficent measures for the development of the province and the welfare of its people.

In the field of legislation 17 Bills have been passed by the Legislative Council, of which the greater part are of more than merely formal purport; and in the sum total it has been a useful output. Outstanding in interest among the measures may be ranked the Punjab Land Revenue Amendment Bill, the Public Gambling (Punjab Amendment) Bill, the Punjab Regulation of Accounts Bill and the Punjab Pure Food Bill. As regards the first, the Punjab Legislative Council was the pioneer in attempting the task of implementing the recommendations of the Joint Select Committee of Parliament and in trying to embody in statute the main principles by which the land revenue is determined. The Bill could not have reached its final stages so expeditiously without much display of good will and desire to find accommodation among various angles of view in different quarters. The Act, as passed, deals with the methods of valuation, the pitch of assessments, the periods of revision and the limitations on enhancements, and substantially restricts the wider discretion as regards the last three matters which previously existed. Apart from its future effects, its immediate application to assessments, which began after the introduction of the Bill, has already resulted in modifying assessments actually in force to the extent of reduction by more than 10 lakhs of rupees, thus conferring a very substantial benefit on a large number of land-holders. The Public Gambling Amendment Act was passed in response to a demand among sections of the public for wider and more effective measures to check *satta* gambling. The keenness of public feeling on the subject and the ruin which this form of gambling brought to many homes, had been repeatedly impressed on the Government by means of resolutions and interpellations in this House. The Punjab Regulation of Accounts Bill is the second Bill of the kind

which has been passed by a Punjab Legislative Council. Whatever controversy has taken place over details of the provisions of the Bill, there can scarcely be any difference of opinion as regards the soundness of its main principle. For all the latter seeks to effect is that there should be an improved method of keeping accounts as between certain classes of creditors and debtors, which would give the latter—and particularly the more ignorant and unsophisticated among them—the means of ascertaining periodically how their accounts stand and how they are made up. The Bill was difficult to frame, as it was desired to avoid interference with trade and commerce, unnecessary addition to the volume and complexity of civil litigation and any undue elaboration of accounts systems which might react on the free flow of facilities for rural credit. Time alone will show whether the object aimed at has been successfully secured ; but meanwhile the Act stands as a monument to honest endeavour in the particularly complex compartment of legislation which is devoted to the regulation of lending operations. Considerable technical difficulties also attended the framing of the Punjab Pure Food Bill, though in this instance more assistance was forthcoming from the study of similar legislation enacted in other countries. More particularly this Act will assist in regulating the sale of *ghi* and dealing with adulteration and pure *ghi* substitutes—a question to which the members of this House have attached considerable importance and which has repeatedly formed the subject of resolutions and interpellations.

The economic catastrophes, to which I have alluded, have made the task of framing the provincial budgets during this period one of unusual complexity in spite of the relief which the final disappearance of provincial contributions has afforded. The effect on provincial finances may be judged from the fact that, excluding Extraordinary Receipts, the revenue in 1925-26, the year preceding the constitution of the present Council, stood at 11,89 lakhs. In the next two years it stood at 10,87 and 10,90 lakhs, respectively, sinking down in the revised budget for 1928-29 to 10,65 lakhs. During the same period disbursements against revenue rose from 10,26 lakhs in the first year of the series to 11,80 lakhs in the last. If the executive have found themselves in difficulties in presenting the successive budgets during this period, I can well imagine the equally grave difficulties which the Council on its side has experienced, and the extent of the exercise of responsibility and prudent restraint, which the Council has had to impose on itself, in framing its criticisms of the financial proposals of Government. In this instance also, though in some cases members of the Council must inevitably have felt a keen sense of disappointment in the postponement in adverse circumstances of high hopes of new developments and in the retarding of the pace of progress in accepted policies, the Council has tempered its comments with a full realization of the ultimate wisdom of maintaining financial stability ; and its sound common sense and prudence in this respect has been of most valuable moral and material assistance to the administration.

Much of the time of Council has been occupied in discussing non-official motion and resolutions. It might be an interesting task to attempt to classify and catalogue the categories and sub-categories in which such resolutions fall to try to assess the motive of the mover or the precise effect gained by their discussion ; I shall not essay to explore this fascinating ex-

periment in any detail. In one of the more obvious of the main classes fall those resolutions which are entirely political in object, and seek to attack and weaken Government by the force of adverse criticism. At the other pole stand those which are definitely creative in purpose and which strive to turn the attention and energy of Government to some new reform and fresh developments in administration which the mover considers desirable and which the Government has not hitherto attempted. Somewhere in the middle country in between lie those resolutions which aim at bringing the light of examination and the free wind of criticism down some corridor of the administrative structure, and challenge Government to show that it is clean, swept and garnished and free of cobwebs. In the first of these classes clearly fall the motion of no confidence in Ministry, to which the House did not give sufficient support even to permit discussion, and the motion to reduce Ministers' salaries in the course of demands for grants, which was rejected after discussion. Many of the resolutions discussed find their place in the second category; and many of their movers have had the satisfaction of seeing definite steps taken by Government in the direction which they advocated, if not at once *propter hoc*, at least *post hoc*, and within the period of the life of the Council, in which the resolution was moved. Examples of these are the resolution for the amelioration of the backward conditions of the Muzaffargarh District and the resolution relating to *Benac-pati ghat*, which has borne its fruit in the Pure Food Act. The greater number of resolutions perhaps fall in the last category—partly purely critical and partly definitely ameliorative in object; and in many cases they have resulted in valuable debates. Judged by effect in eliciting full and clear explanations of the policy of Government, the debates on the policy of Government as regards the construction of the Shahpur Branch and the recruitment to the services will long be remembered. An important resolution regarding the Hydro-Electric Project resulted in the appointment by Government of a strong Committee to examine the progress and execution of the scheme; and after the Council is dissolved, it will leave behind it a committee working upon the problem of the difficulties of ways and means of introducing universal primary education, which is the legacy of action taken upon a non-official resolution passed in this Council.

Apart from that continuous indirect contribution to the successful development of representative institutions which the Council has made in its acts and life during the period of the Council, the Council deserves high praise for the leading share it has taken in direct constructive work with a view to assist in framing the lines of sound constitutional progress for the future. It was the first of the provincial Legislative Council to take the step of deciding to elect a Committee to work with the Statutory Commission, thereby recognizing that it was only by full, frank and free examination and discussion of the working of the existing machinery of representative institutions and of the problems to be surmounted in more extensive scheme of development hereafter, that a sound progressive project for the future suited to the needs and aspirations of the province and the country, could emerge in its true perspective; and I for one believe that it is a step the Council will never have reason to regret. Though the task was both invidious and complex, the Provincial Reforms Committee proved fully equal to the

responsibility which the Council had laid upon it ; and whatever different views may be held by different persons or parties in regard to particular portions or individual items of its recommendations, no one would question the fact that the Committee as a body deserves great credit for the comprehensive way in which it surveyed the whole field, for the resolute and conscientious manner in which it sought not to hide or gloss over difficulties but to find their solutions and for the clear cut form in which it presented its conclusions and recommendations. It must be a source of no small satisfaction to the Committee to observe that in the report of the Commission the recommendations regarding internally-autonomous provincial institutions favour a structure, which in its broad lines closely resembles that suggested by our provincial committee, and that throughout in its construction the material used by our committee is employed. There can be no doubt that in the wide, full and free discussion of the whole field which will take place at the Round Table Conference, the recommendations of the Committee, together with the objections which were expressed towards some features of them in this House, will receive the weight they merit ; for I feel that the Punjab Provincial Council stands second to none in India as regards the sincerity and enthusiasm with which it has striven to gain real practical experience of the working of representative institutions. Incidentally may I also express my gratification that in the case of the Auxiliary Committee, which was appointed to assist the Statutory Commission in the investigation of the state of education in India, no less than two, from among the total of six members, were selected from among the ranks of the members of this Council.

Everybody must feel satisfaction when the merits of some of those, who are prominently associated in its activities, find well deserved recognition outside ; and I fully share in the satisfaction at the distinction which has fallen to the lot of two such figures on the Council stage. The Honourable President of the Council, who has for many years enjoyed the confidence of successive Councils and helped them to maintain sound traditions of procedure and debate, has recently been created a Knight Bachelor by His Majesty the King-Emperor, while Sir Fazl-i-Husain, who has been, during the greater part of the life of this Council, the distinguished leader of the House, has been translated to high office and wide responsibilities on the Council of the Governor-General.

Let me now bid farewell to the members of the Council. Whether they return on the suffrages of their electors to future Councils or rest content to take their place as leaders of local opinion in their homes, I feel certain that they have long years of public usefulness before them, and will continue to be animated by the traditions of the Third Reformed Punjab Legislative Council, which has exhibited so high a sense both of its duty and responsibility to the best interests of the province it served. I know that I can look to them to support Government in such measures, as may be necessary, to deal with the campaign of the subversion of law and the structure of established Government which is afoot in the province, and that the weight of their influence and good advice will be actively employed to turn the ill-disposed or misguided towards saner and more peaceful courses.

His Excellency the Governor then left the Chamber in procession.

APPRECIATION OF THE SERVICES OF MR. PRESIDENT  
(HONOURABLE CHAUDHRI SIR SHAHAB-UD-DIN).

**The Honourable Captain Sardar Sikandar Hyat Khan** (Revenue Member): Sir, it is customary on the eve of the dissolution of the Council to give the members an opportunity to express their appreciation of the Chair. So far as this Council is concerned, it has now become an established convention. It is hardly necessary for me to enumerate the numerous qualities of head and heart which you possess, because the honourable members of this House have had the privilege and pleasure of knowing you not only as the President of this Council, but also as their friend for a number of years now. It is also not necessary for me to refer to the acumen and ability with which you dealt with the many knotty and intricate problems and the points of order raised on the floor of this House, and the weighty rulings which you have been pleased to give from time to time. Your vast knowledge of parliamentary practice has not only been useful in regulating the business of this House and setting a right course for discussion and deliberation, but it has also helped in establishing healthy traditions which are so necessary for the purpose of safeguarding the privileges and rights of the individual member, and to lend dignity to the proceedings of a popular assembly like ours. I understand that you intend to seek re-election. Unfortunately, the convention in vogue in England which secures for the Speaker of the House uncontested election has not been established here yet. But, in that connection also you have already made a contribution by securing election, unopposed last time; and I trust that you will achieve the same success in the forthcoming elections. On my own behalf as well as on behalf of my official colleagues on these benches I wish you every success. (*Hear, hear.*)

**The Honourable Sardar Sir Jogendra Singh** (Minister for Agriculture): Sir, I rise to associate myself with the Leader of the House and to express on behalf of myself and my colleagues our satisfaction in the way you have conducted the business of the House. Personally, I wish to recall our old friendship dating back to the days when you composed that vivid poem called 'Zamindars-da-Hara'. I remember having translated it into English and sending it to the *Pioneer*. The editor told me that he was sending it to the *Civil and Military Gazette* and he was going to support it in a leading article in the *Pioneer*. Subsequently, Lord Minto told me that he sent this poem to the Secretary of State with his recommendations. Then, when the fates called me to serve in this House under your wing, I found the same spirit that animated this poem continuing to rule not only you, but the members of the House dealing with rural problems, such as production of more food, more clothes, better education, better health, independence and self-respect and manhood. This tradition of service which this House has established to broaden all sources of welfare to serve the people has already achieved results and if followed will continue to add to the peace and prosperity of this province. In the great business of self-Government ideals of making a larger happiness more universally possible will produce enduring results and thus secure greater well-being, greater freedom, greater sense of responsibility and co-operation. The House has not escaped the rule of the spirit of the times of which it has been the mirror. But we can look back with pride that this House

has shown the way to responsible Government, by serving the larger interests of the country and in spite of communal tendencies to recognise the claims of unity. In this great task I cannot pass without paying my tribute to the permanent officials who have helped this House and the Ministers, in their efforts, in broadening the basis of civic life and developing all our resources to secure a better and happier life for the people.

I need hardly say what the Leader of the House has said that in your hands the duty and the dignity of the House has been fully maintained. You have conducted its business with fairness and independence. I hope in times to come the ideals which we expect our President to follow will animate every member of this House in the recognition of our own common responsibility and common citizenship. May God grant that in future we may work towards even greater unity, greater sense of responsibility and deeper sense of service. (*Cheers*).

**Diwan Bahadur Raja Narendra Nath** (Punjab Landholders, General): Sir, I associate myself whole-heartedly with what has fallen, from the lips of the previous speakers. If there is any member in the House who has scrupulously observed the rule of avoidance of repetition which you have yourself enforced, that is myself. I therefore will not dwell on the points which have been so ably dealt with by previous speakers. But I do want to give expression to my sense of obligation and gratification at the way in which you have always shown consideration to the representations made from this side of the House regarding the procedure to be observed by the Council. We had a recent instance yesterday; and I am very much obliged to you that you have been always considerate for whatever has been said from our side with respect to the procedure to be observed. You have undoubtedly succeeded in maintaining the dignity of the House and as I said I do not want to repeat what has been said by others. But surely I am not guilty of repetition when I reiterate my wishes that you may be returned at the next elections unopposed. (*Hear, hear*). I hope that the people outside will appreciate the qualities of head and heart with which you have discharged your duties. With these few words and reminding you of the Arabic proverb

ما قل دل

I sit down.

**Dr. Gokul Chand Narang** [North-West Towns (Non-Muhammadan) urban]: Sir, it gives me great pleasure to associate myself whole-heartedly with the remarks which have been made by the honourable speakers who have preceded me. It has been my good fortune to have known you since 1896, that is for a period of 84 years, when you were a student and I was also a student. I do not flatter you when I say that since that date I saw signs of greatness in you. (*Hear, hear*.) I am very glad that my expectations have been fulfilled. Your life is a source of inspiration to people who are faced with the struggle for life in this world. It does you very great credit that not equipped by artificial resources as some other people may be, you have risen to this very high position by sheer dint of merit. You have been, so far as I have been able to judge, an ideal president of this Council. President of a legislative council requires many gifts. He must not only have knowledge of law and procedure applicable to the proceedings in the Council, but he must be

[Dr. Gokul Chand Narang.]

possessed of courage, courage to say 'no' and courage to say 'yes' whenever occasion requires. It gives me great pleasure to say here and acknowledge that you have never been found lacking in that courage. You have never been influenced by extraneous consideration, by any solicitations to please one party or the other; and you have always been impartial so far as the admissibility or inadmissibility of any motion or amendment or resolution or question has cropped up. Invariably you have been patient, sometimes as some critics outside this House may think, too patient. I think it my duty here to say before we part that the remarks made by an Anglo-Indian paper with respect to certain proceedings in this House are entirely uncalled for. If the editor of that paper has any sense of justice the first thing that he should do would be to withdraw those remarks. (*An Honourable Member*: What about the *Tribune* of to-day?) I have not read it. You are aware that many members of this House are at the best inexperienced and novices in the procedure which governs the proceedings of this House; and if you had dealt with the members of this House with greater strictness, perhaps a complaint would have been made against you that you were too strict and that you were following the letter of the law instead of the spirit of the law. And no one would differ with me that it sometimes negatives the objects of the law if too much insistence is laid on the letter and not on the spirit. I would also say, Sir, on behalf of myself and of my friends that we have always received courtesy at your hands and sometimes when we have made our speeches very long, perhaps too long, we have always been heard with patience.

With these remarks I wish you godspeed and I hope that we shall all come back and enjoy the proceedings of this House under your presidency.

**Rao Bahadur Chaudhri Chhotu Ram** [South-East Rohtak (Non-Muhammadan), Rural]: Sir, If I am not to be guilty of repetition, I think the best course for me would be to follow the example set by Raja Narendra Nath. It is needless on my part to say that you have discharged your high functions in a spirit of the greatest impartiality and with perfect efficiency. In discharging your functions you have shown neither favour to anybody nor fear of anyone, and these are qualities which should characterise the holder of the dignity which the presidency of a House like this means. I beg to say that we hope that the convention—a very healthy convention—will be established that the Speaker of the House, if he cares to seek re-election, will be allowed to return unopposed, and if he has once been returned and cares to seek re-election to the Chair he will be elected unopposed to the dignity of the chairmanship of this House also. With these words I associate myself whole-heartedly with all the remarks and observations that have been made by previous speakers.

**Chaudhri Zafulla Khan** [Sialkot (Muhammadan), Rural]: Sir, it would be superfluous for me to give expression to the admiration which I have always entertained and felt for the sterling qualities that you possess and which admiration was engendered in me at a very early age. It gives me great satisfaction to find that all sections of this House have combined in expressing the very same admiration for you after having sat under



your presidentship for nearly five years which I had felt for you even before you came to occupy this Chair. I would not only congratulate you, Sir, upon the ideal manner in which you have discharged the duties of your high office but also congratulate this House upon having had the good luck of having you in this Chair during the last five years. As you, Sir, fully realise, the discharge of your duties from day to day does not merely determine the course of business and discussion in this House, but almost every day precedents are laid down which would serve as a guidance for the future occupants of your Chair, and therefore, it is a matter for immense satisfaction that on no occasion has the House felt during the time that you have occupied this Chair that the discharge of these functions has been entrusted into hands which were fully competent to deal with every question, every situation and every difficulty that has arisen during the last five years in this House.

It is needless for me to repeat, Sir, that we all hope and believe that the parting with which we are faced to-day will be only a temporary one and of a very short duration.

**Sardar Sahib Sardar Ujjal Singh (Sikh Urban):** Sir, I have very great pleasure in whole heartedly associating myself with the chorus of tribute which you Sir, so richly deserve. During the long time that you have been an occupant of this Chair, you have conducted the proceedings of this House with an impartiality and dignity which would be a credit to the best Speaker of any Parliament in the world. With your vast knowledge of constitutional law and parliamentary practice you have set up precedents and rulings which would be a source of inspiration to those who may have the good luck of stepping into your shoes. Sir, no one can fill this Chair so admirably and so abundantly as your august and weighty personality. I do wish and pray that you may be returned unopposed to this House and may guide us again in the same manner and with the dignity that you have been doing in this Council. With these remarks I whole-heartedly associate myself with the tribute paid to you.

**Mr. Owen Roberts (Nominated, Non-official):** Sir I have no laurels that I can lay at your feet on the part of any great political party or large section of this House. But the uniform consideration I have personally received from you carries to the community that I have the honour to represent an assurance that it will always obtain a fair hearing in this House, and that to us is of very great importance, as it is the first step towards establishing that place in the body politic to which we may be entitled. I desire to associate myself very closely with the observations that have fallen from Rao Bahadur Chaudhri Chhotu Ram. A question was raised yesterday in this House as to how far and when we ought to follow the precedents of the House of Commons. I am sure all will agree with me in repeating that we would welcome the establishment of a convention which would ensure that the Speaker of this House is always returned unopposed if he desires to return to it and that when he does return to it he should always be returned unopposed to the Chair so long as he desires to occupy it. With these remarks I thank you and resume my seat.

**Mr. M. A. Ghani (Nominated, Non-official):** Sir, it is my pride and privilege also to whole-heartedly associate myself with the chorus of praise



[Mr. M. A. Ghani.]

that has been showered upon you from the leaders of every section of this House. It has been rightly said that you are a brave and courageous President. Your courage does not only lie in saying ayes or noes to your convictions but it also lies in your at once correcting yourself whenever you have found yourself to be in the wrong. Although I am a nominated member I feel that I have been receiving justice and nothing but justice at your hands. I on behalf of the members of this Council heartily wish that you may be returned unopposed and that you may again occupy this Chair. With these words I resume my seat.

**Lala Mukand Lal Puri** [Lahore City (Non-Muhammadan), Urban]: I also want to associate myself with the chorus of praise which has been offered to you on the ability and impartiality with which you have performed the duties of your high office. I have been in this Council only for a short time and I have noticed that every member in every quarter has invariably received from you unfailing courtesy. Reference has been made to the ability with which you have discharged the difficult task of interpreting the various rules and regulations, and of laying down precedents for the possible future Presidents of this House. Sir, those of us who practice at the Bar know the high position you had held in the profession before you decided to give up practice for a political career, and we know that if you had stuck to the profession you would be to-day holding a high judicial office, and it is a matter of sincere gratification that you have discharged the duties of the President of the Council with great ability and impartiality which was expected of high judicial officers. I have found, Sir, that you are very jealous of the rights and privileges of the members of this House and very solicitous of their convenience, and whenever a question has arisen as to the convenience of the members of this House you have paid due regard to it and whenever there has been a conflict as to the fixing of time between the choice of the official members and the elected members, of this House, you have always shown a partiality for the elected members which has been very much appreciated by them.

**Sardar Harbakhsh Singh** [Hoshiarpur and Kangra (Sikh) Rural]: Sir, it is no intention of mine to make you blush in your chair by using very long phrases in praise of you, but to put the whole matter in a nutshell, I would simply submit that you have undoubtedly been found possessed of all those great qualities of head and heart that go to make an ideal President of a legislative body. I have to bid you farewell, Sir, on behalf of myself and the Sikh party in this Council and do share the wishes expressed by certain other members of the House that you may be returned unopposed and unanimously re-elected President. You are, while occupying the chair as President, of no specific party, but allow me to say, Sir, that you have proved yourself to be the pride of the whole zamindar community of this great zamindar province. I wish you farewell with the words "*Phir milenge agar Khuda laia.*"

—ع۔ "فیر ملینگے اگر خدا لایا"

**Mr. E. Maya Das** (Non-official Nominated): Sir, I heartily associate myself with all that has been said by so many members and I will not repeat it. I have been struck on many occasions when there seemed to be

such a little space for our ship to pass through you have navigated, Sir, our ship with great wisdom. You have all along with your tact and patience and wisdom made a deep impression on all of us. We congratulate you heartily on the successful manner in which you have carried through to the end, and hope you will be re-elected unopposed and that when you come to the Council you will again occupy the Chair as that will be a source of pleasure to us all.

**Maulvi Sir Rahim Bakhsh** [Ambala Division, North-East (Muhammadan), Rural] (Urdu): I, on behalf of the honourable members of this House, beg to present this Time-piece as a mark of approbation of the splendid work done by you as

the President of this Council. I need hardly dwell on your high character and achievements. You have always been conducting the proceedings of the House in a manner worthy of every praise. This present, though of little value, is presented to you as a mark of our appreciation of your work. We hope that you would very kindly accept it.

**Mr. President:** Brother Members of the Council, I am so overwhelmed with the praises you have showered upon me that I cannot find words to express my thanks for your kindness. As the representative and the servant of this House, I have always tried to discharge my arduous duties as justly and impartially as I could. I am conscious of my shortcomings and may have erred many a time, but I may assure you, gentlemen, that the errors I may have made were errors of judgment and not of intention (*Cheers*).

Some of you have been pleased to admire the manner in which the deliberations of this House have been conducted during my time. Gentlemen, the credit for this is due to you, rather than to me. As the occupant of this Chair I deemed it my duty not only to be impartial and firm, but I also considered it necessary not to be fastidious or impatient. The President of a Council of 94 persons of different temperaments and representing different communities, must have a genial tolerance; and must try to be equally fair and affable to all members and all sections of the Council. All I can say is that I tried my best to be both impartial and tolerant at all moments and to all parties and to the individual members of the House; but whether I succeeded or failed in my attempt is for you to appraise and judge.

In interpreting and applying the Standing Orders and Rules and in formulating my decisions on points of procedure and practice, I always tried to be in accord with the average opinion of the House. We are not so perfect as to be above criticism, but I venture to claim on your behalf that we may not have done exceptionally well, but that we have not fared worse than many other Councils in the country. (*Voices: Many other countries*).

Gentlemen, some of you have referred to the Parliamentary convention relating to the unopposed re-election of the Speaker, by his constituency and by the House. There can be no two opinions that this is one of the most wholesome principles established by the Mother of Parliaments; and if the President, discharges the difficult duties of his responsible office satisfactorily, it is only fair that he should be re-elected unopposed by his constituency;

[Mr. President.]

inasmuch as, if he has to enter the strife of the electoral battle and canvass the electors, he cannot do so without impairing the dignity and the independence of the Chair. Besides, it is to the advantage of the Council itself that it should re-elect him President from term to term, so that he may be able to guide the debates and the deliberations of the Council in the light of his experience.

Gentlemen, I hope and wish that most, if not all, of you will come back to the Council and serve your province as its elected representatives.

Gentlemen, the beautiful Time-piece which the honourable member, Maulvi Sir Rahim Bakhsh, has just presented to me on behalf of the whole House is a souvenir which I shall value more than anything else I possess. Its memorable inscription :

"Presented to the Honourable Chaudhri Sir Shahab-ud-Din, Khan Bahadur, by the Members of the Punjab Legislative Council in appreciation of his work as their President. Dated 26th July 1930".

is the greatest tribute I could ever expect or deserve. Please accept my grateful thanks for the great honour you have done me.

Gentlemen, before resuming my seat I must express my appreciation of the most valuable help and the whole-hearted co-operation I have received throughout from Khan Bahadur Sardar Habibullah Khan, the Deputy President; Hakim Ahmed Shujaa, the Secretary, and Pandit Tej Kishan Kaul, the Assistant Secretary of the Council.

(All members shook hands with the Honourable President).

The Council then adjourned *sine die*.

## PUNJAB LEGISLATIVE COUNCIL.

### APPENDIX.

Answers to questions put in the 5th Session of the Council but received after the publication of the debates of the dates on which the questions were put and before the dissolution of the Council.

#### ANSWERS TO STARRED QUESTIONS.

##### BEER SHOP IN HIRA MANDI, LAHORE.

(Answer to Question No. 2981, pages 12-13 ante).

**The Honourable Sardar Sir Jogendra Singh :** (e) Further enquiries have shown that a deputation, including Khan Bahadur Shaikh Amir Ali, waited on the Deputy-Commissioner, Lahore, and also, on April 15th, 1930, on me.

(d) The distance from the Beer Shop to the Dayal Singh High School is about 500 yards and to the Minto Park about 440 yards. It is situated on one of the many roads leading to the Gurdwara of Guru Arjun Dev and the Hindu Cremation grounds.

(f) I considered the representation carefully. The large and increasing sales of beer showed that the shop met a local need. No further action was, therefore, taken on the representation.

##### LIQUOR SHOP (DADABHOY SHOP) NEAR RAILWAY STATION, LAHORE.

(Answer to Question No. 2982, pages 13-14 ante).

**The Honourable Sardar Sir Jogendra Singh :** (a) The premises near the Railway Station licensed in the form L-2 for the sale of foreign liquor to the public for consumption off the premises were opened on July 29th, 1929.

(b) There was only one foreign liquor shop in the vicinity holding a license in the form L-2. It was considered advisable to sanction the transfer from the premises previously occupied in MacLeod Road.

(c) Yes.

(d) This is a private matter about which Government has no information.

(e) The premises are situated near the Railway Station. The Railway Technical School is some way off. The Victoria Diamond Jubilee Hindu Technical Institute is about 220 yards away ; the Mosque of Australia Building and Mela Ram's tank about 150 yards and Mool Chand's temple about 400 yards.

(f) Yes.

(g) Yes.

(h) Yes.

(i) On careful examination I found that there was considerable demand, and that there was sufficient reason for thinking the new license required. Consumption is not allowed on the premises. I will reconsider the matter again when this license comes up for renewal.

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COMPLAINT AGAINST ASSISTANT SURGEON, AMRITSAR.

(Answer to Question No. 2968 (b), (c) and (d), pages 20-21 ante).

**The Honourable Malik Firoz Khan, Noon :** (b) Yes, but before the child was brought to the hospital it had already been examined by Khan Bahadur Dr. Mir Hidayat Ullah, Second Surgeon, and the house surgeon on duty carried out the treatment prescribed by Khan Bahadur Dr. Mir Hidayat Ullah as soon as the child arrived at the hospital.

(c) No, Dr. Bhagwan Das did not refuse to leave his quarters. On the contrary, he hurried and reached the hospital within 15 minutes of receiving the call, although he was in the middle of his bath at the time. The relatives of the child, however, had no intention of leaving it in the hospital and therefore, took it home as soon as the house surgeon, Dr. Abdul Aziz, had administered the treatment prescribed by Khan Bahadur Dr. Mir Hidayat Ullah.

(d) Does not arise.

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OFFICERS IN MANDI HYDRO-ELECTRIC DEPARTMENT.

(Answer to Question No. 8042, page 177 ante).

**The Honourable Sardar Sir Jogendra Singh :** A statement showing the names of persons employed in the Hydro-Electric Branch drawing more than Rs. 800 per mensem, together with the details of charges held by them is laid on the table.

**PUNJAB PUBLIC WORKS DEPARTMENT, HYDRO-ELECTRIC BRANCH.**

**STATEMENT SHOWING THE NAMES OF THE PERSONS DRAWING MORE THAN RS. 300 PER MENSEM AND THE DETAILS OF CHARGES HELD BY THEM.**

| Serial No. | Name.                                 | Designation.  | Charge held.  | REMARKS.     |
|------------|---------------------------------------|---|---|--------------|
| Col.       | 1                                     | 2   | 3   | 4            |
| 1          | Colonel B. C. Batty,<br>D.S.O., A. M. | Chief Engineer ..   | In charge, Hydro-Electric Branch.                         |              |
| 2          | Mr. W. N. McLeod,<br>B.Sc., I.S.E.    | Superintending Engineer.  | Administration Circle.                                    |              |
| 3          | Mr. A. Croad, I.S.E. ..               | Ditto   | Transmission Circle ..                                    | Officiating. |
| 4          | Mr. H. P. Thomas ..                   | Ditto   | Construction Circle ..                                    | Do.          |
| 5          | Mr. C. E. Jefferis,<br>I.S.E.         | Ditto   | Ditto ..  | On leave.    |
| 6          | Mr. A. T. Arnall ..                   | Executive Engineer  | Technical Section of Chief Engineer's office.             | Do.          |
| 7          | Captain A. Guthrie,<br>R.E.           | Ditto   | Ditto ..  | Officiating. |
| 8          | Mr. R. L. Chantrill ..                | Transmission Line Engineer.   | Attached to Technical Section of Chief Engineer's office. |              |
| 9          | Mr. Harbans Rai ..                    | Executive Engineer  | Ditto.  |              |
| 10         | Mr. N. B. Macmillan..                 | Sales Engineer ..   | Commercial Section of Chief Engineer's office.            |              |
| 11         | Mr. J. Arratoon ..                    | Personal Assistant to Superintending Engineer, Administration Circle. | Establishment Section and general office supervision.     |              |
| 12         | Mr. S. J. Bruford ..                  | Executive Engineer  | Branch Transmission Line Division.                        |              |
| 13         | Major A. G. Wheeler..                 | Ditto   | Trunk Transmission Line Division.                         |              |
| 14         | Mr. B. N. Ayward ..                   | Ditto   | Mechanical Division.                                      |              |
| 15         | Mr. G. H. Hunt, M.C.,<br>I.S.E.       | Ditto   | Tunnel Division.  |              |
| 16         | Captain R. D. Keane                   | Ditto   | Adit Division.  |              |
| 17         | Mr. D. S. McPhail ..                  | Resident Engineer..   | In charge of surveys in connection with the Project.      |              |

| Serial No. | Name.                          | Designation.                  | Charge held.   | REMARKS.  |
|------------|--------------------------------|-------------------------------|--|-----------|
| Col.       | 1                              | 2                             | 3  | 4         |
| 18         | Mr. N. V. Dorooef ..           | Tunnel Engineer ..            | T/S (South Portal) Sub-Division.   |           |
| 19         | Mr. R. L. Narayanan            | Assistant Executive Engineer. | T. L/S (Trunk Transmission Line South) Sub-Division.   |           |
| 20         | Mr. D. P. O'Kaly ..            | Ditto                         | M/M (Materials) Sub-Division and Personal Assistant to Superintending Engineer, Construction Circle. |           |
| 21         | Lieutenant N. Boddington, R.E. | Ditto                         | T/P (Pipe Tunnel and Surge Shaft) Sub-Division.  |           |
| 22         | Mr. R. P. Devlin ..            | Ditto                         | P/H (Power House) Sub-Division.  |           |
| 23         | Mr. S. A. Gadhkary ..          | Ditto                         | B. L/E (Branch Transmission Line, East) Sub-Division.  |           |
| 24         | Mr. B. K. Sibou ..             | Assistant Engineer ..         | Attached to Commercial Section of Chief Engineer's office.   | On leave. |
| 25         | Mr. S. K. Bawa ..              | Ditto                         | M/P (Power) Sub-Division.  |           |
| 26         | Mirza Muhammad Latif.          | Ditto                         | T/H (Headworks) Sub-Division.  |           |
| 27         | Mr. Chandu Lal, Oswal          | Ditto                         | Lyallpur Electrical Sub-Division.  |           |
| 28         | R. S. L. Shiv Shankar          | Civil Officer ..              | Magistrate and Civil Judge.  |           |
| 29         | Dr. Ram Rakha Mal, Anand.      | Assistant Surgeon             | Jogindernagar Dispensary.  |           |
| 30         | Shalkh Muhammad Iftikhar Din.  | Superintendent ..             | Administration Section of Chief Engineer's office.   |           |
| 31         | Mr. P. C. Carmody ..           | Do. ..                        | Finance Section of Chief Engineer's office   |           |
| 32         | Mr. K. S. Banerjee ..          | Senior Mechanical Foreman.    | Sectional charge in the Mechanical Division.   |           |
| 33         | Mr. D. Harvey ..               | Ditto                         | Ditto.   |           |
| 34         | Dr. J. N. Mehra ..             | Medical Officer of Health.    | Sanitary arrangements in the works area, in Mandi.   |           |

APPENDIX.

SARDAR BAKHTAWAR SINGH, HONORARY MAGISTRATE, KATHGARH.

(Answer to Question No. 3061, pages 248-249 ante.)

**The Honourable Sir Henry Craik :** There is no truth in the allegation contained in the question.

COW SLAUGHTER IN GURGAON DISTRICT.

(Answer to Question No. 3072, pages 253-254 ante.)

**The Honourable Sir Henry Craik :** (a) Yes.

(b) No.

(c) No. An appeal was filed in the Court of the Commissioner, Ambala, on 28th December 1929 with the object of removing restrictions on cow slaughter in Agaun.

(d) No correspondence passed between the Deputy Commissioner and the Commissioner on that petition.

(e) The petition was received from a Pleader on behalf of Husaina and others.

(f) The question of restriction on cow slaughter in village Agaun is not before Government.

(g) The order of the Commissioner, dated 28th May, 1927, is to the effect that kine slaughter in Agaun will be subject to the rules issued under section 43 of Act, IV of 1872. Technically this order is subject to revision, but it has not, as a matter of fact, been revised and there is no proposal to revise it.

ANSWERS TO UNSTARRED QUESTIONS.

KHAN BAHADUR SH. NUR ELAHI'S LITERARY WORKS.

(Answer to Question No. 1585 (b), page 396 Vol. XV.)

**The Honourable Mr. Manohar Lal :** Statement showing the names of approved books written, compiled or revised by Khan Bahadur Shaikh Nur Elahi, M.A., I.E.S., Inspector of Schools, Lahore division :—

| Divisions.     | Names of books.   |
|----------------|---|
| Multan .. .. . | (1) Muraqqa-i-Adab, Parts I to IV.<br>(2) Rajah Mor.<br>(3) Gauhar Bano... ..<br>(4) Hai meri Nak.<br>(5) Karim Dharmo.<br>(6) Lakhshmi.<br>(7) Shahzada Malka. |



| Divisions.       | Names of books.  |
|------------------|--|
| Multan .. ..     | (8) Shahzada Galaria.<br>(9) Kukru Kun.<br>(10) Shams aur uski Gae.<br>(11) Andher Nagri, Parts I and II.<br>(12) Urdu ki chauthi kitab, by Ram Das, Chhibbar, and revised by the Khan Bahadur.<br>(13) Rafiq-i-Zamindar.<br>(14) Ahmad Najumi.<br>(15) Ghurghun.<br>(16) Mian Koshish.<br>(17) Nawab Sher Khan aur uski billi.<br>(18) Apbiti No. I.<br>(19) Miao Miao.<br>(20) Jangli Shahzadi.<br>(21) Chin Chin.<br>(22) Shamsi Australia ki kahaniyan.<br>(23) Maghrur Malika.<br>(24) Sair-i-Dunya.<br>(25) Shahzada Gowala.<br>(26) Mai Bicha.<br>(27) Hind Bibi.<br>(28) Takht-i-Sulaimani.<br>(29) Mian Budhu.<br>(30) Rafiq-i-Urdu, Part I.<br>(31) Urdu Readers, Parts I to IV. |
| Lahore .. ..     | (1) Muraqqa-i-Adab, Parts I to IV.<br>(2) Urdu Readers written by Bakhshi Ram Das and revised by Khan Bahadur Shaikh Nur Elahi.  |
| Ambala .. ..     | Nil.   |
| Jullundur .. ..  | Nil.   |
| Rawalpindi .. .. | (1) Muraqqa-i-Adab.<br>(2) Rafiq-i-Urdu.<br>(3) Urdu ki kitab for primary classes, Parts I and II.   |

## REVENUE PATWARIS.

(Answer to Question No. 1708, page 788, Vol. XV.)

The Honourable Captain Sardar Sikandar Hyat Khan: The attached statement gives the required information:—

STATEMENT SHOWING THE PERCENTAGE OF CANDIDATES IN TAHSIL AND ZILLA OFFICES TAKEN FROM THE REVENUE PATWARIS DURING THE YEARS.

| Division. | District.               | 1925-26. | 1926-27. | 1927-28. | 1928-29. | 1929-30. |
|-----------|-------------------------|----------|----------|----------|----------|----------|
| MULFAN.   | Hissar .. .. .          | 33.3     | 8.3      | ..       | ..       | 25       |
|           | Rohtak .. .. .          | ..       | ..       | ..       | ..       | 47.3     |
|           | Gurgaon .. .. .         | 100      | 25       | 12.5     | ..       | 10       |
|           | Karnal .. .. .          | 33.3     | 100      | ..       | ..       | 25       |
|           | Ambala .. .. .          | 20       | 66.6     | 53.3     | ..       | ..       |
|           | Simla .. .. .           | ..       | ..       | ..       | ..       | ..       |
|           | Kangra .. .. .          | 80       | ..       | 25       | ..       | 15.9     |
|           | Hoshiarpur .. .. .      | ..       | 62.5     | ..       | ..       | ..       |
|           | Jullundur .. .. .       | 83.3     | 50       | ..       | 25       | ..       |
|           | Ludhiana .. .. .        | ..       | 4.1      | 18.7     | 36.3     | 10       |
| MULFAN.   | Ferozepore .. .. .      | ..       | ..       | 20       | ..       | ..       |
|           | Lahore .. .. .          | 50       | ..       | 8.3      | 16.6     | 7.7      |
|           | Amritsar .. .. .        | ..       | 2.2      | 4.3      | 4.5      | 6.5      |
|           | Gurdaspur .. .. .       | ..       | 16.6     | ..       | 15.4     | 18.2     |
|           | Sialkot .. .. .         | 14.3     | ..       | 25       | 11.1     | ..       |
|           | Gujranwala .. .. .      | 20       | 14.3     | ..       | ..       | ..       |
|           | Sheikhupura .. .. .     | ..       | ..       | ..       | ..       | ..       |
|           | Gujrat .. .. .          | ..       | ..       | ..       | ..       | ..       |
|           | Shahpur .. .. .         | ..       | ..       | ..       | ..       | ..       |
|           | Jhelum .. .. .          | 100      | ..       | ..       | ..       | 36.3     |
| MULFAN.   | Rawalpindi .. .. .      | ..       | 10       | ..       | ..       | ..       |
|           | Attock .. .. .          | 40       | ..       | 20       | 11.7     | ..       |
|           | Mianwali .. .. .        | 20       | ..       | ..       | 16.6     | ..       |
|           | Montgomery .. .. .      | ..       | ..       | ..       | ..       | ..       |
|           | Lyalpur .. .. .         | ..       | ..       | ..       | ..       | ..       |
|           | Jhang .. .. .           | ..       | 16.6     | 8.3      | ..       | 50       |
|           | Multan .. .. .          | 6.6      | 8.3      | 75       | 30       | ..       |
|           | Muzaffargarh .. .. .    | 14.3     | 14.3     | 28.6     | 12.5     | ..       |
|           | Dera Ghazi Khan .. .. . | ..       | ..       | 63.6     | ..       | ..       |

## GOVERNMENT HIGH SCHOOL, GOHANA.

(Answer to Question No. 1745, page 92 ante.)

The Honourable Mr. Manohar Lal: (a) In May, 1929 two boys in X Class only and on 30th April, 1930 no boy reading Arabic in IX and X Classes

(b) The question does not arise as there is no class.

(c) Yes.

(d) On account of the small number of students who wished to read Hindi in the past.

(e) The Inspector of Schools has recently reported that 40 boys in the middle classes wish to read Hindi.

|         |         |          |         |
|---------|---------|----------|---------|
| (f) (i) | Hindus. | Muslims. | Others. |
|         | 68      | 44       | 1       |

(ii) as in (e) above.

(g) (i) Rs. 17-8-0

(ii) Rs. 4-2-0.

(h) No.

(i) No.

(j) (i) Rs. 55-7-0.

(ii) Rs. 9.

MR. YUDISHTER LAL, OFFICIAL RECEIVER, FEROZPORE.

(Answer to Question No. 1750, page 95 ante.)

**The Honourable Sir Henry Craik :** (a) Yes, very distantly.

(b) & (c) Mr. Yudishter Lal, Taneja, was employed in two insolvency cases under the orders of the High Court, as no other Official Receiver had been appointed.

ARAINS IN THE DISTRICT BOARD, LYALLPUR.

(Answer to Question No. 1761, pages 101-102 ante.)

**The Honourable Malik Firoz Khan, Noon :** (a) 15-58.

(b) The elective system was introduced into the district board of Lyallpur in 1920 and since then 3 Arains have been elected in each of the three elections held. The possibility of a greater representation depends on the combining of the other communities and it cannot be said whether there can possibly be a greater representation of Arains or not out of the 36 elected members.

(c) Yes.

(d) None has been nominated since the introduction of the present system.

(e) 906.

(f) In 1920 one Gujar was elected, but none has been nominated since the introduction of the present system.

(g) Yes.

COMPLAINT AGAINST SUB-INSPECTOR OF POLICE, MAILSI.

(Answer to Question No. 1793, pages 191-192 ante.)

**The Honourable Sir Henry Craik :** (a) Yes.

(b) The Sub-Inspector then in charge of the Mailsi Police Station reported that in his opinion *Mst. Sita Bai's* own husband was the culprit and took him into custody. The husband is alleged to have confessed his guilt before the Sub-Inspector. There is no evidence to show that this confession was forced from him.

(c) In a statement recorded by the Sub-Inspector after she had been admitted into the hospital *Mst. Sita Bai* is alleged to have corroborated her husband's statement that he had fired upon her.

(d) No complaint was lodged by any member of public against the Sub-Inspector. The Superintendent of Police, the Deputy Superintendent of Police and an Inspector in the course of departmental routine visited the scene of the investigation. *Ata Muhammad Khan* was challaned.

(e) Yes.

(f) The Station House Officer, who was an officiating Sub-Inspector; has been reverted to the rank of head constable. His name has been struck off promotion list "D" and he has been returned to his original district.

(g) In the opinion of Government, yes.

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| Question <i>re</i> — and insolvency .. .. .                                     | 252    |
| ZILLADARS—  |        |
| Question <i>re</i> — .. .. .  | 190    |